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CANADIAN DELEGATION REPORT

Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

Fourth Session
December 9-20, 1991
Geneva

Canada

92-02734/

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE

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Overview

The fourth session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC4) was marked by very slow progress and minimal movement by major players. The Working Groups reviewed the texts prepared by the Co-Chairs after the INC3 meeting in Nairobi. As in earlier sessions, the December 9-20 meeting in Geneva faced pressure from developing countries preoccupied by their development needs. In addition, some advanced the position that developed countries have a historic responsibility for climate change and an obligation to make deep cuts in CO_2 emissions to allow "head room" for increasing emissions from developing countries. This would be in addition to developing countries' demands for "massive" transfers of financial and technological resources from the developed countries. The latter, while prepared to accept a leading role in emission limitation and resource transfer, continue to look to developing countries to assume some initial commitments to responsible development with respect to their emissions and protection and enhancement of sinks. From a developed country perspective, the focus of the discussion was intended to be placed on environmental concerns (as opposed to economic concerns), economic costs and potential trade distortions.

The United States remained firm on not accepting any targets or schedules but did commit to table an effective national climate change action plan within one year of a June 1992 signing of the convention. The German Cabinet has reaffirmed its earlier pledge to reduce CO_2 emissions by 25-30 per cent by 2005.

There were indications that splits have developed within negotiating blocks. The Group of 77 (G-77) could not agree on a common text on commitments resulting in minority reports by two different groups, a hard line group of 24 lead by India and China, and a more flexible group, lead by the low-lying island states, willing to consider some measure of commitment on their part.

Compromise positions were broached on some issues, but progress was painfully slow. The resulting "Consolidated Working Document" (Annex II) is strewn with options and heavily bracketed.

In recognition of the clear need for developed countries to come to a better understanding of positions held by OECD (Organization for Economic Cooperation and Development) countries, an ad hoc working group was established under the chairmanship of Sweden. This group met at the end of the two-week session and developed a list of questions that require clarification. On the issue of specific commitments for emissions limitation and funding and technology transfer, this represents the first solid step toward real negotiations.

There was little evidence that delegations were ready to compromise once consideration of revised text began. Instead, additional controversial language and more brackets were proposed. Clearly, delegations were not in Geneva to seek compromise solutions but rather to defend entrenched positions. Despite these difficulties, a single, integrated, heavily bracketed "Consolidated Working Document" was completed for consideration intersessionally.

The next negotiating session will be held in New York, February 18 to 28. A sixth session is now contemplated for April, probably again in New York. This latter session may include a Ministerial level component to assist in resolving divisions and finalizing the Convention.

WORKING GROUP I

Key issues can be grouped under three broad headings: the differentiated approach, targets and schedules issues and implementation matters.

The Differentiated Approach

The key question confronting delegations centred on the need to solicit some commitment from developing countries recognizing their need to grow economically. The views ranged from no requirements until closer economic parity is reached with the developed countries to commitment by developing countries to a "no regrets" approach based on energy efficiency and good practices in the maintenance and enhancement of sinks. There was broad support for the "common but differentiated" approach with some developing countries endorsing the goals and general commitments of the Convention, but being excused from the specific obligation of emission control targets and schedules. Developed countries generally accepted responsibility for the bulk of the actions required and indicated a willingness to contribute both technology and financial assistance to reduce the incremental costs to developing countries. Terms and conditions for developed countries' support for action by developing countries, and the extent of the such actions, were not resolved.

The eastern and central European countries, the so-called "economies in transition", have appealed for special consideration based on their high fossil fuel dependency and the state of their economies. There was general agreement on the need to provide assistance by the developed countries but the developing countries opposed this on the basis that it would divert assistance from their needs.

Vulnerable states, including low lying islands and coastal regions, fragile mountainous ecosystems and semi-arid regions, advanced their respective needs for assistance to adapt to climate change and to support commitments to some reductions.

Targets and Schedules

The United States maintained its position that targets and schedules are not acceptable to them. However, they did commit to release their national action program within one year of "signing the Convention in Brazil", a clear signal that they are beginning to get their domestic house in order.

For different reasons, developing countries took a similar position. They argued that specific commitments were inappropriate for them as well as these would constrain their capacity to expand their economies in pursuit of higher standards of living for their people.

The rest of the developed countries seemed to favour some form of stabilization at 1990 levels (in general) by 2000, or reductions. The specific wording of this statement in the Convention will be critical as there are many interpretations of what this really means. This will be a critical area of work in preparation for subsequent negotiations within the ad hoc OECD Working Group.

Points of divergence included:

- whether the base year would be 1990 or some formulation that would allow for a 3-year average;
- whether the commitment to a target could be expressed as a collective effort (European Community preference) or a national one;
- whether the end point is 2000 or "2000, in general";
- whether the commitment is based on sources alone or could be netted to include sinks; and,
- whether CO_2 alone would be addressed or whether the other greenhouse gases should be controlled under a comprehensive approach.

On this latter point, the European Community favour a CO_2 only approach with stabilization to be achieved, based on different levels of activity by individual members, across the European Community by 2000. **Canada**, Australia, Japan, Norway and Finland form the core of those in favour of the comprehensive approach. There was a sense of growing isolation amongst these countries in the first week. By the end of the session, however, there was a sense that informal meetings of the CANZ-Nordic group and meetings of the ad hoc OECD Working Group had bridged some differences and that a compromise might emerge at later negotiating sessions. The USA, for the most part, stayed out of the debate saying that they are philosophically aligned with the comprehensive approach to net emissions but not willing to take an official position since they are adamantly opposed to targets and schedules in the first place.

Implementation

Discussion centred on how to implement the Convention commitments in the most cost effective and efficient manner possible. Some developing countries continued to press for preferential, concessional and non-commercial transfer of technology; others, however, searched for language that would recognize commercial property rights while encouraging technological innovation and access on preferential terms. A full range of technology transfer is envisaged including hardware, operational and managerial training, scientific assistance, etc. Developed countries held firm on patent and property rights and emphasized the role of private industry.

Regarding the establishment of a climate change "fund", developing countries pressed for a new, independent fund to support their "sustained economic development" and any commitments they might take. Key divisions arose regarding criteria for using the fund, ranging from those countries who advocate virtually no restrictions to those countries who favour establishing concrete links between commitments taken by developing countries on climate change and the financial and technological made available for the work.

The second key concern in the area of financing was whether the fund should be administered by a new institution under the Conference of Parties (the signatories of the Convention) or using existing mechanisms, in whole or in part, such as the World Bank/UNEP/UNDP Global Environment Facility (GEF). Developed countries leaned towards using the GEF while developing countries preferred a new mechanism.

The theme of cost effectiveness was reflected in a number of "joint implementation" proposals, the most significant being the Norwegian Clearing House Proposal which had been raised at the Nairobi negotiating session. This concept suggests the creation of a bank of developing countries' projects which could be accessed by developed countries who would choose appropriately-matched

opportunities for emission reduction or sink enhancement to complement and be credited toward their commitments on domestic action. The proposal recognizes that it is to the advantage of all to select the lowest marginal cost options as a means of maximizing what can be done with inherently limited resources. In addition, the proposal signals a means of enhancing technology transfer to developing countries beyond that which may be provided through any climate fund. There remains significant opposition on the part of some developing countries to what they see as the fulfilment of developed countries' commitments on the backs of the poorest nations of the world. Other developing countries saw in it a politically effective mechanism for the transfer of both technological and financial assistance.

Germany proposed its own variation on the theme calling for a crediting system that would allow nations to implement a specified share of their domestic program to reduce emissions by claiming a discounted share of the reduction implemented outside their borders. It is important to note that the German proposal provides for overachievement in extra-territorial reduction initiatives but that it only applies to the actions taken toward emission reduction targets and that it does not include actions to enhance greenhouse gas sinks. A copy of the German intervention on this matter is appended to this report.

A third proposal put forward by Mexico focused on creating a centralized procurement mechanism for developing countries to help negotiate technology acquisitions at the lowest possible cost. By creating a pooled "needs" list and soliciting international tenders, it was argued that advantageous terms could be achieved. This suggestion provoked little apparent interest among delegations, presumably because the practicality is not self-evident.

KEY ELEMENTS

I. Preamble

Progress (or lack thereof) in reaching consensus on the preambular language for the Convention reflected the divisions noted above. The key issues arose over and over again as each section was considered. The preamble, originally thought to be the easiest section on which to agree, served as a hint of things to come in the main event on Commitments. If anything, the intensity of the skirmishing was enhanced by the symbolism and perceived linkages to key issues in the preambular language. Each paragraph was scrutinized for code words, leading, in turn to lengthy and often fruitless debate.

The final language continues to include substantial bracketed text covering such issues as scientific uncertainty, net emissions, sovereignty, right to develop, role of the Montreal Protocol gases, provision of "adequate, new and additional" financial resources, non-commercial transfer of technology and responsibility of countries with exceptionally high per capita rates of CO_2 emissions. The discussions highlighted the substantial variations of view regarding appropriate levels of response between developed and developing countries.

II. Principles

Considerable debate took place over what might be included under this heading. As the foundation from which the general and specific commitments would be derived, the USA called first for elimination of the section, but conceded that if principles were necessary, that they should be concise. This was supported by most other developed countries. The developing countries argued for lengthy paragraphs enshrining all of their demands. Contentious issues were similar to those encountered during the "preamble debate". The right to development and the polluter pay principle were two particularly sensitive topics.

III. Objective

This article was derived from the Ministerial Declaration of the Second World Climate Conference and received general support, with the exception of the final sentence calling for the convergence of developed and developing countries' emissions at "common per capita levels". Developing countries added this to emphasize that the developed countries should not obstruct others' pace of development. This added text, proposed by India, lacks the full support of the G-77 and is opposed by developed countries.

Canada proposed the word "long-term" before the word "objective". With no participation by developing countries and assuming a "business as usual scenario", it is estimated that developed countries would have to reduce their CO_2 emissions by 60-90 per cent to meet a goal of global stabilization of atmospheric concentrations of greenhouse gases.

IV. 1. General Commitments

The developed countries generally argued that the section should be worded in such a way as to have all countries commit to taking action in a sustainable manner and to do what is feasible to reduce the impacts of climate change. This proved very contentious as evidenced by the large amount of heavily bracketed text that remains in the draft document. The polarization on issues mentioned above is obvious in the text.

IV 2. Specific Commitments

a.) Stabilization & Reduction of Emissions and Enhancement of Sinks

As with the "general commitments" section, there were many attempts at finding accommodative language. India and China continued to spearhead a group of developing countries adamantly opposed to including any specific commitments for developing countries as part of this Convention.

As for developed countries, there was not a united approach in evidence. Many developed countries, led by the European Community, supported dealing only with CO_2, while Canada, Australia, and the Nordic countries supported the comprehensive approach (dealing with all greenhouse gases) The European Community did eventually suggest that methane emissions related to energy production, use and distribution and to waste treatment could possibly be included, but only in commitments to reduce emissions.

Regarding the use of "net" emissions when expressing specific commitments in the Convention, the European Community argued that although a net emissions approach may be appropriate in the long term, the short term uncertainties surrounding sinks inventories precludes including calculations of "net emissions" in the Convention at this time. Canada, the United States, and Australia argued otherwise.

b.) Specific Commitments on Financial Resources

Financial resources were discussed by both working groups. Text was reviewed only once by Working Group I as time ran out before it could be revisited. In the discussion, key issues included how much money would be available with some developing countries seeking to tie financial commitments not just to the incremental cost of climate change programs but to development objectives as well. Terms such as "new", "adequate", "full", "concessional", "preferential", and "non-commercial" were resisted by developed countries when dealing with this section.

It was generally agreed that a fund be created from contributions by developed countries to finance some agreed portion of actions to be taken by developing countries based on criteria to be determined later. The fund would be under the authority of the Conference of Parties but there was no agreement as to whether it might be operated by the Global Environmental Facility, by the Conference of Parties, or by some other mechanism. This topic was discussed in greater detail in Working Group II.

c.) Transfer of Technology

Working Group I debated the terms and conditions under which technology exchanges could be facilitated. Saudi Arabia attempted to have the word "safe" attached to the description of environmentally sound technologies to preclude inclusion of the nuclear option which they deem to be unsafe. "Non-commercial" and similar adjectives were bracketed by developed countries. Working Group II engaged themselves in a more rigorous discussion of the issue.

IV. 3. Special Situations

This section would be designed to recognize the special needs of countries disproportionately affected by the convention or by the impacts of climate change. Discussion led to a growing list of potential "special situations" including:

- least developed countries;
- small island developing countries;
- low lying coastal regions;
- arid and semi-arid areas;
- areas prone to natural disasters, drought, and/or desertification;
- areas with high urban atmospheric pollution; and,
- fragile mountain ecosystems.

In addition, there was a suggestion to recognize the problems faced by countries with economies highly dependent on fossil fuels or on the production and exportation of fossil fuels and associated energy intensive products.

Finally, there was an appeal made for flexibility for economies in transition (central and eastern European countries in particular) who are in the process of stabilizing their economies and modernizing their industry.

WORKING GROUP II

After a slow start at the beginning of the first week, Working Group II was successful in reviewing in detail each of the 23 articles, and the three annexes related thereto, submitted in the text proposed by the Co-chairs. The text, which was accepted as a useful basis for discussions, nevertheless received numerous proposals for amendments, and was turned into a heavily bracketed document. A new version, prepared by the secretariat during the second week of the session, was accepted by the delegates as reflecting the comments they had formulated. We can now consider this new document as being close to what will be the negotiation text, that will form the basis for future discussions on the Convention.

On the specific issues discussed during the session, the following can be highlighted:

Institutions

There is general agreement on the need for a Conference of the Parties as the supreme political body of the Convention where all Parties would be represented. It would be the forum where all policy decisions would be taken. However, the extent of the powers and responsibilities accorded this body is yet to be determined. On that matter, many delegations expressed the concern not to overload the Conference with an excessive number of functions. The number and the nature of the subsidiary bodies that will be created in the Convention will, of course, have a direct influence on the workload of the Conference of the Parties.

Agreement was also reached also on the creation of a dedicated secretariat, which will serve the Conference of the Parties and its subsidiary bodies. The need for an interim secretariat was also recognized.

Diverging views were expressed on the need, at this stage in the elaboration of the Convention, to establish any subsidiary bodies to the Conference of the Parties, other than the secretariat. While some States (generally, developed countries and small island States) stressed that the creation of some of these subsidiary bodies was essential in order to have an effective convention, other (largely developing countries) were of the opinion that it was too early to take decisions to that effect, and that the matter should be left to be dealt with by the Conference of the Parties. Two subsidiary bodies, whose creation was proposed in the Co-chairs text, were the subject of such debate:

- the Advisory Committee on Science, responsible for the gathering and interpretation of information on climate change. While, at first, the need for such a committee was called into question by some of the developing countries, it gained some support when it was proposed that the work of that Committee should also cover matters related to development. The decision still has to be taken on what disciplines should be reviewed by the Committee (social sciences, "developmental" sciences...), what would be its membership (number of members, their qualifications), and what would be the links between, and respective roles of, this body and other existing similar organizations. Strong support was expressed by all delegations for the IPCC and many emphasized the need to avoid duplication between it and the proposed science committee;

- an Advisory Committee on Implementation, whose task would be to receive and study the national reports prepared by Parties on their implementation of the Convention. Divergences of view concerning the need for this committee were clearly stated during the session. Three clear options emerged:

* many delegations, especially from developing countries, opposed the establishment of such a committee at this stage, preferring to leave the matter to the Conference of the Parties after the Convention enters into force;

* France and Norway proposed the establishment of an Executive Committee with a wide range of functions, including those that would have been undertaken by an implementation committee; and

* many other delegations, especially from developed countries and small island states, supported the establishment of the Advisory Committee on Implementation as a means to promote effective implementation of the Convention.

Strong support was voiced for the concept of a cooperative and consultative mechanism, while a few delegations sought to introduce a more adversarial review function.

Funding mechanisms

Four options are now on the table concerning the administrative mechanism for financial resources and technology transfer. The first one, presented by the United States, designates the Global Environment Facility (GEF) as the single mechanism through which the financial help under the Convention would be channelled. The American text allows the Conference of the Parties simply to "suggest" to the GEF general guidelines and specific proposals for funding.

The second option was tabled by the United Kingdom. In its proposal, the U.K. also designates the GEF as the mechanism used for funding, but provides that "arrangements" shall be made between the Conference of the Parties and the GEF concerning the administration of this fund by the GEF.

A third option is the one submitted in the text proposed by the Co-Chairs, following the discussion held on this subject at the previous session of the INC, in Nairobi. According to that option, a specific fund would be created for the climate change convention, the administration of which could be delegated to the GEF, but with the specific condition that the GEF would have to respect the guidelines and policy directions provided by the Conference of the Parties. Alternatively, administrative responsibility could be given to a mechanism under the Convention.

The last option, presented by India on behalf of a number of developing countries, provides for the establishment of a new institution, the "International Climate Fund", that would be totally independent of the GEF with control and administration under the authority of the Conference of the Parties.

Resolution of Questions/Settlement of Disputes

The two mechanisms that were proposed in the Co-Chairs' text concerning the implementation and interpretation of the Convention are still considered as options for the resolution of questions/settlement of disputes. Thus, a "friendly" procedure is put forward for the resolution of questions, with the objective of assisting the Parties in their implementation of the Convention. Questions raised under this procedure would be considered by the Conference of the Parties, thus reflecting the common concerns of all Parties on issues related to climate change.

Second, a more "traditional" mechanism has been proposed for the settlement of disputes among Parties, which would resort to a bilateral mechanism (conciliation, arbitration,...) and could, if so decided during the negotiations, lead to binding decisions.

A third option was proposed at the Geneva session, in an attempt to join both of the previous proposals. It was stressed by a number of delegations that these two options were not necessarily mutually exclusive. This third option could take either of two forms: a two step mechanism where every questions should be studied through the "friendly" mechanism and, if results were unsatisfactory, could then lead to a bilateral settlement of dispute; or a mechanism that would allow from the start for a choice between the multilateral or the bilateral option. Questions were raised during the session regarding the relationship between the mechanism for resolution of questions/settlement of disputes and the role foreseen for the implementation committee.

Reporting

There is general support for the necessity to include a reporting mechanism in the Convention. Some questions remain to be resolved on certain points: an appropriate differentiation between the obligation to report applying to developed and to developing countries, notably regarding the preparation of the first report and the frequency of reporting; measures to protect the confidentiality of some of the information transmitted; the nature of the information to be reported; and the need for an annex detailing the reporting requirements (as was submitted in the Co-Chairs' text), with some delegations arguing that the Conference of the Parties should deal with the matter later.

Research

Broad support was evident on the need for a provision on research, given that science underpins the Convention. Many discussions were held on the proposed annex relating to that article, which lists the areas of knowledge that would be covered by this provision. Concerns were expressed by some on an annex that would be too long and too detailed. Others were of the opinion that a more detailed document would be more helpful and

that proposal given in the Co-Chairs' text, prepared by a group of scientists in Nairobi, represented a well balanced text. Developing countries also proposed including research in the field of development in the list of the areas to be covered.

Other questions

On the question of insurance, the Alliance of Small Island States (AOSIS) presented a proposal for a new annex, that would create an insurance pool to help small islands and low lying countries fight the effects of climate change and compensate them for the damages suffered. The proposal received support from a few other developing countries, who requested that the fund be broadened to apply to a larger number of countries (mainly, countries threatened by drought and desertification).

Articles on scientific cooperation, exchange of information, and education, training and public awareness were discussed briefly, and did not reveal major divergences of view. Only a few amendments were proposed. The question was raised again whether annex two, concerning the type of information that should be exchanged, is necessary, at least at this stage of the negotiations. Similarly, some developed countries raised concerns about the need for and the nature of annexes.

The final clauses were rapidly dealt with.

The question of what terms should be defined in the Convention was discussed briefly at the end of the session, many expressing the views that this list should be kept as short as possible. A number of terms were nevertheless given as examples of terms that need to be clearly defined.

Informal Information Fora

Informal information fora were held throughout the two weeks of the session in order to clarify some of the mechanisms, institutions or proposals that were referred to during the negotiations. Presentations were made on the Global Environmental Facility, a Mexican proposal on Technology Transfer Mechanism, the Norwegian Clearinghouse Mechanism for effective implementation of commitments, the International Energy Agency Technology Information Exchange System, a Chinese proposal for a Green Fund, a proposal from Brazil and Argentina on a Fund for Sustainable Development and, finally, a session by the International Council of Scientific Unions.

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FOURTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CLIMATE CHANGE CONVENTION GENEVA: DECEMBER 9-20, 1991

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CONSOLIDATED WORKING DOCUMENT

Note by the secretariat

This consolidated working document has been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups. It assembles texts that are, in their view, indicative of the state of play in the two Working Groups, organized under a provisional list of headings. It is intended to facilitate further work on the framework convention; it does not preclude the introduction of new elements.

In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. An edited version of the document will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

A/AC.237/Misc.17
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Note: The presentation of the text will be reviewed in editing. Meanwhile, the following points may be noted:

- Paragraph headings in elements emanating from Working Group II have been retained.
- All sub-headings under Section IV, Commitments, are bracketed, reflecting the state of discussion at the end of the work of Working Group I.
- In the rest of the text, square brackets in headings have the following meaning: Square brackets around a heading number (eg. [VI.7.]) indicate that the retention of the entire item is questioned. Square brackets within the wording of a heading indicate alternative wording for that heading. Square brackets around the title "Annexes" reflect proposals to omit all annexes.
- Square brackets in the text itself reflect the position at the end of Working Group deliberations, except that cross-references to numbers of articles are now also bracketed.

PREAMBLE

The Parties to this Convention,

Acknowledging that [adverse] change in the Earth's climate is a common concern of humankind since a sustainable climate is an essential condition that helps to sustain life,

Concerned that [net] emissions resulting from human activities are substantially increasing the atmospheric concentrations of greenhouse gases, and that these increases will enhance the greenhouse effect, resulting on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind. Whilst noting that there are many uncertainties in predictions particularly with regard to the timing, magnitude and regional patterns of climate change,

Aware that the adverse effects of such [potential] climate change [and measures to mitigate it] could have [serious] social, economic and environmental consequences,

Acknowledging that the global nature of such climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response in accordance with [their respective responsibilities and capabilities]/[the means at their disposal and their capabilities] and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972) and in particular principle 21 which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction", [accordingly environmental considerations should not be used as a pretext for interference in the internal affairs of developing countries],

Recalling also the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989 and 45/212 of 21 December 1990 on Protection of global climate for present and future generations of mankind,

Recalling further the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea level rise on islands and coastal areas, particularly low lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the Implementation of the Plan of Action to Combat Desertification,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

[Noting the significant contribution made towards combating activities that result in adverse effects on the Earth's climate by the Vienna Convention for the Protection of the Ozone Layer, adopted on 22nd March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16th September 1987 and adjusted and amended on 29th June 1990,]

Recognizing the need to strengthen international cooperation, in addressing adverse effects of climate change, [through the development, within a global framework of appropriate policies [including the provision to developing countries of adequate, new and additional financial resources [based on assessed contributions by developed countries] and technology transfer on [preferential, concessional and non-commercial]/[fair and most favourable] terms], [preparation of protocols on specific problems]/[consideration of additional related instruments as may be agreed] and by means of increased research into atmospheric, terrestrial and marine ecology sciences as well as into the social and economic impacts of climate change and related response strategies, systematic observations, cooperation on scientific, technical, economic and legal matters and exchange of information],

Conscious of the valuable work being conducted by many States on global climate change and of the important contributions of the World Meteorological Organization, organs, organizations and bodies of the United Nations system as well as other international and intergovernmental bodies for the exchange of results of scientific research and coordination of research,

Recognizing the need for [all] countries [with excessively high per capita rates of anthropogenic carbon dioxide emissions] to take immediate action in a flexible manner on the basis of [short, medium and long term]/[clear priorities, as a first step towards] comprehensive response strategies at the global, national and [where agreed regional] levels which take into account all greenhouse gases with due consideration of their relative contributions to the enhancement of the greenhouse effect and recognizing also that strategies

required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Aware of the role and importance of sinks and reservoirs in terrestrial and marine ecosystems, inter alia in the absorption of greenhouse gases,

Recognizing that action to reduce emissions of greenhouse gases can also help in solving other environmental problems,

Affirming that response to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate needs of developing countries which have at this time as their main priority the achievement of sustained economic growth and the eradication of poverty; therefore the promotion of economic growth in developing countries is essential to address the problems related to climate change,

Recognizing the improvement of the international economic environment, thus promoting the economic growth and sustainable social economic development of developing countries is an [essential]/[prerequisites] for enabling developing countries to participate effectively in the international efforts to address climate change,

Recognizing that all countries, especially developing countries, need access to all the resources required to achieve sustainable, social and economic development and that in order to progress towards that goal, [the energy consumption of developing countries must grow, taking into account the need for greater energy efficiency]/[net emissions of developing countries must grow],

Conscious that countries with low lying coastal, arid and semi-arid areas or areas liable to drought and desertification, small island countries and countries with fragile mountainous ecosystems are particularly vulnerable to the potential adverse impacts of climate change and will therefore require special consideration under this Convention and its [subsequent protocols]/[related legal instruments],

[Acknowledging the specific transitional difficulties of those countries, particularly developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions and

that these difficulties will need to be recognized in the development of protocols under this Convention,]

Bearing in mind the importance of integrating environmental concerns and considerations into policies and programmes in all countries [without introducing any form of conditionality in aid or development financing or constituting a pretext for devising new barriers to trade],

[Recognizing that climate policies should be as cost-effective as possible in order to ensure maximum benefits from measures undertaken,]

Determined to protect the atmosphere for present and future generations [on the basis of inter-generational as well as intra-generational equity],

Have agreed as follows:

I. DEFINITIONS

(To be added subsequently)

II. PRINCIPLES

1. The right to development is an inalienable human right. All peoples have an equal right in matters relating to reasonable living standards. Economic development is the prerequisite for adopting measures to address climate change. The net emissions of developing countries must grow to meet their social and economic development needs.

2. All States have a duty to aim at sustainable development for the benefit of present and future generations. Protection of the global climate against human induced change should proceed in an integrated manner with economic development in the light of the specific conditions of each country, [without prejudice to the socio-economic development of developing countries]. Measures to guard against climate change should be integrated into national development programmes [taking into account that [evolving] environmental standards] valid for developed countries may have inappropriate and unwarranted social and economic cause in developing countries [and countries with economies in transition].

3.(a) All States have an obligation to protect the climate [system] for the benefit of present and future generations of mankind on the basis of [inter-generational as well as intra-generational] equity. This obligation shall be carried out within different time frames for implementation in accordance with common but differentiated responsibilities and capabilities [between developing and developed countries] and taking fully into account that the largest part of emissions of greenhouse gases have been originating from developed countries and those countries have the main responsibility [and should take the lead] in combating climate change and the adverse consequences thereof.

3.(b) All inhabitants of the planet have an equal right to the atmosphere lying outside national jurisdiction.

3.(c) The common obligation to protect the atmosphere shall be equitably distributed between countries in accordance with developed and developing countries' common but differentiated responsibilities and capabilities and different time frames set out for implementation with a view to achieving convergence of anthropogenic carbon dioxide emissions at a common per capita level. Taking into account the fact that the largest part of current emissions of greenhouse gases, both in historical and current terms, originates from developed countries, those countries [in the first instance have the main responsibility]/[shall take the lead] in combating climate change and the adverse effects thereof.

4. The Parties shall give full consideration to the specific needs and special circumstances of developing country Parties, especially those developing countries that are particularly vulnerable to the adverse consequences of climate change and also those developing countries which would have to bear a disproportionate or abnormal burden under the Convention.

5. In order [to achieve sustainable development in all countries and] to address the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing [cost-effective] measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

6. States shall promote an open and balanced multilateral trading system. Except on the basis of a decision by the Conference of Parties which should be consistent with GATT, no country or group of countries shall introduce barriers to trade on the basis of claims related to climate change.

7. Measures taken to combat climate change should not introduce trade distortions inconsistent with GATT or hinder the promotion of an open and multilateral trading system.

8. Alternative A

The developed countries responsible for causing damage to the environment through inducing climate change shall bear the primary responsibility for rectifying that damage and the cost of prevention measures and shall compensate for environmental damage suffered by other countries or individuals in other countries.

Alternative B

Those countries directly responsible for causing damage to the environment through inducing climate change shall bear the responsibility for rectifying that damage. By openly demonstrating their direct responsibility or negligence, those countries shall compensate for environmental damage suffered by other countries or individuals in other countries.

9. Climate policies should be cost-effective to ensure global benefits at lowest possible costs. To achieve this, climate policies should be comprehensive, include all relevant sources and sinks of greenhouse gases, comprise all economic sectors, and may be implemented in cooperation with other Parties.

10. The principle of the sovereignty of States shall be adhered to and strictly respected in all fields of international cooperation, including that for protection of the climate.

11. The need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment including climate protection.

III. OBJECTIVE

The ultimate objective of the Convention and any related legal instruments that might be agreed upon is to achieve, in accordance with the principles set out in the above articles, stabilization of greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with climate. Such a level should be reached within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and permit economic activity to develop in a sustainable and environmentally sound manner.

[The anthropogenic emissions of greenhouse gases, particularly carbon dioxide, from States should converge at a common per capita level, taking into account net carbon emissions during this century as well as the economic needs of developing countries.]

19 December 1991

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FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
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CONSOLIDATED WORKING DOCUMENT*

Addendum

IV. COMMITMENTS

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* In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. The present addendum is thus an integral part of the whole document, an edited version of which will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

A/AC.237/Misc.17/Add.1
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[IV.1. GENERAL COMMITMENTS]

[1. In pursuance of the above global objective, the Parties commit themselves, in accordance with their common but differentiated responsibilities and taking into account their specific national and regional development priorities and [objectives and circumstances]/[particularly emission levels per capita, modified as appropriate by other relevant factors] [such as:

- emission level per capita,
- emission level per unit of GDP,
- climatic conditions,
- availability of indigenous energy sources, particularly non-carbon energy sources such as solar, hydropower, biomass, etc.,
- industrial structure of the country,
- potential for improved energy efficiency and conservation,]

to:

(a) [Implement suitable measures for the [control]/[effective limitation] of [net] emissions of all greenhouse gases not controlled by the Montreal Protocol and for the maintenance and enhancement of their sinks and reservoirs.]

(b) Develop and periodically update, [publish] and [report on] national inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol using a methodology to be considered at the first meeting of the Conference of the Parties in order to reach an agreement on it.

(c) Alternative A

Formulate, implement, publish and regularly update and report on, in the light of periodically re-evaluated scientific, technical and economic information and considerations, cost effective and otherwise appropriate national [and]/[or] regional programmes and strategies which are considered necessary by the particular Party or group of Parties with regard to the control of greenhouse gas emissions, conservation and enhancement of sinks and reservoirs as well as strategies considered by the Party or group of Parties to facilitate adaptation to climate change and to mitigate the causes and adverse effects of climate change, including preventive measures which can be beneficial for reasons other than climate change. The Parties should formulate such programmes and strategies in accordance with Annex ...

Alternative B

Formulate, implement, publish and regularly update in the light of scientific, technical and economic information, national and as appropriate regional programmes and measures

- to combat climate change
- to facilitate adaptation to climate change

taking into account paras. ... Parties should formulate such programmes and measures in accordance with Annex...

(d) [Give priority to clearing the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies and promoting the development and diffusion of environmentally sound and safe technologies including innovative technologies for [improving energy efficiency aimed at] limiting greenhouse gas emissions.]

(e) Alternative A

(i) [Develop and adopt policies in all relevant sectors responsible for greenhouse gas emissions, including the promotion of energy efficiency, energy conservation, [low carbon fuels, safe carbon dioxide zero emission technologies, paying special attention to those exploiting new and renewable energy sources];

(ii) Introduce and update measures providing information on energy consumption [as well as voluntary agreements or mandatory standards for products and processes];

(iii) Promote improved energy efficiency in motor vehicles by measures that provide information on expected energy consumption [and by the setting of guidelines or standards for fuel efficiency for new vehicles];

(iv) Promote sustainable and environmentally acceptable transport systems for persons and goods taking into account the particular conditions of each country;

(v) Promote development and diffusion of environmentally sound technologies including innovative technologies;

(vi) Promote the use of [best available energy efficient technologies] in new energy installations;

(vii) Promote the implementation of sustainable land use practices and better waste management practices.]

[Alternative B

Promote, taking into account the specific conditions of each country, mitigative measures to limit greenhouse gas emissions in all sectors of the economy. [In the specific case of energy use, promote sustainable energy conservation, rational use of energy, energy efficiency and development and use of environmentally sound and economically feasible new and renewable energy sources that [minimize]/[control] the emissions of greenhouse gases taking into account the particular conditions of each country.]]

[Alternative C

Cooperate in development and application of requisite technologies and practices, including improvement of energy efficiency, safe renewable energy sources as well as in the protection and enhancement of sinks and reservoirs of greenhouse gases, taking measures against soil loss with the priority aim of halting and reversing desertification and in training of personnel.]

(f) Alternative A

Promote the protection, preservation and enhancement of sinks and reservoirs of greenhouse gases, including oceans, seas, biomass and soil, through, inter alia, the:

(i) Development of national, regional and global policies and the adoption of integrated national and international measures for the sustainable management and use of ecosystems and for effective ocean management and coastal zone and land-use policies, while taking into account local socio-economic needs and land-use patterns and maintaining the ecological balance in the area concerned;

(ii) Conservation, management and control of [all] sinks and reservoirs of greenhouse gases in a sustainable manner with the aim to increase their ability to take up greenhouse gases by:

- taking measures to reduce rate of deforestation, forest destruction and desertification where appropriate, with the [primary] aim of combating desertification maintaining primary forest and stabilizing the forest area and [secondly] increasing it further;
- [promoting overall health of ecosystems by counteracting the threat posed to them by, inter alia, the emission of harmful pollutants and non-sustainable practices;]

- taking measures against the degradation of other ecosystems with the purpose of increasing their potential to act as sinks and reservoirs of greenhouse gases.
- taking measures to protect the chemical balance of the atmosphere to maintain its ability to act as a sink for greenhouse gases other than carbon dioxide, such as methane

Alternative B

Promote the conservation, sustainable management and enhancement of sinks and reservoirs of greenhouse gases in terrestrial and marine ecosystems by

(i) taking measures against desertification, deforestation and forest destruction, where appropriate, with the primary aim of combating desertification and stabilizing the forest area and secondly increasing further the forest area;

(ii) promoting overall health of ecosystems by counteracting the threats posed by, inter alia the emission of harmful pollutants and non-sustainable practices;

(iii) taking measures against the degradation of ecosystems with the purpose of increasing their potential to act as sinks and reservoirs of greenhouse gases.

(g) Make preparations for adaptation to the impacts of climate change, develop [and elaborate] appropriate and integrated plans for coastal zone management, water resources and agriculture including emergency procedures, coastal zone response mechanisms and adaptation strategies in sectors such as land use planning, agriculture and fragile ecosystems [and a global ocean observing network], and undertake assessments of the resilience and adaptability of resources.

(h) Alternative A

The Parties should:

(i) conduct impact assessments to ensure that measures taken to combat climate change or to adapt to climate change minimize adverse social, health, economic and environmental effects;

(ii) ensure that climate change considerations are taken into account in social, economic and environmental policies and actions.

Alternative B

Conduct timely, nationally formulated and determined, project-related socio-economic and environmental impact analysis of actions proposed for the purpose of addressing climate change with an emphasis on poverty eradication in developing countries in particular least developed countries.

(i) Alternative A

Promote and cooperate in systematic observations, research and information exchange on climate in order to improve scientific knowledge and better understand and assess the effects of human activities on climate and the environmental and socio-economic impact of climate change and the response strategies required to deal with such change and in order to identify the carbon cycle in terrestrial ecosystems, the role of soils, biomass (including agricultural crops), forests, different bodies of water and coral reefs as sources, sinks and reservoirs for greenhouse gases, in collaboration with relevant international organizations. The Parties shall make the results of systematic national, regional and global observations and evaluations available to all interested Parties.

Alternative B

Promote and cooperate in research, systematic observations and information exchange on the climate system, in accordance with the provisions in Articles ... and Annex ...

(j) [Alternative A

Encourage the promotion of public education and awareness of the interrelations of energy production and consumption and the environment, of opportunities for individuals and the private and public sectors to reduce energy-related environmental impacts, of the benefits and opportunities for a rational use of energy and energy conservation, of the activities contributing to the build up of greenhouse gas emissions and of the environmental and socio-economic impacts of climate change, as well as of the need to control greenhouse gas emissions and of the specific role of forests, and promote the broadest possible participation in these activities, including participation by non-governmental organizations and indigenous peoples.]

Alternative B

Promote public education and awareness on climate change, its impacts and response measures, and encourage the widest possible participation in the process including by non-governmental organizations, in accordance with Article...

[(k). Develop, coordinate and, as appropriate, harmonize, in accordance with the

GATT and the provisions of Annex .., relevant economic and administrative instruments [, such as subsidies, taxes and charges, as well as other relevant instruments] aimed at [limiting]/[controlling] net emissions of greenhouse gases in order to avoid distortions to international trade.]

[(l) Identify harmful national practices and policies which protect, subsidize or otherwise encourage activities which lead to greater levels of global emissions than would otherwise occur.]]

[IV.2. SPECIFIC COMMITMENTS]

[IV.2. (a) Stabilization and Reduction of Emissions and Enhancement of Sinks]

[(i) The Parties shall establish a system of categories of countries in order to implement the principle of common but differentiated responsibility. Furthermore they agree to review the implementation of that system regularly. The categories are set out in Annex ..

(ii) Alternative A

The [developed country Parties as defined in Article ..]/[Parties, in particular the developed country Parties] individually or jointly shall as a first step [commit themselves to the stabilization of]/[make best efforts to stabilize]

Alternative A1

[net] emissions of anthropogenic carbon dioxide [and other greenhouse gases other than those controlled by the Montreal Protocol] in general at the 1990 levels by the year 2000. [The details of this commitment should be elaborated in an Annex.]

Alternative A2

net emission of greenhouse gases as soon as feasible, recognizing differences among countries in a number of respects.

Alternative B

The developed country Parties shall commit themselves to substantial action on the enhancement and protection of greenhouse gas sinks and limitation of [net] emissions of greenhouse gases, aiming in particular, as a first step at a stabilization, individually or collectively, of carbon dioxide emissions in general by:

Alternative B1

the year 2000 at 1990 levels, taking into account the differences among countries in a number of respects in their starting points and approaches.

Alternative B2

(a) the year 2000 at 1990 levels; or

(b) such earlier time and at such lower level as may be agreed by

the Conference of the Parties acting with consideration for the best available scientific knowledge, as agreed by the Scientific Committee.

(iii) In order to meet the emission targets, the Parties shall commit themselves to measures to limit and reduce emissions in accordance with the criteria for the distribution of commitments among countries set out in Annex .. to the Convention.

(iv) Decisions to base limitations and reductions of greenhouse gas emissions on the concept of net emissions shall be based on the best available scientific knowledge, as agreed by the Scientific Committee.

(v) The commitments may be implemented on a comprehensive carbon dioxide equivalent basis according to criteria set out in Annex .. to the Convention. All measurable limitations and reductions of net greenhouse gas emissions shall be credited a Party's commitments under this Convention in accordance with the best available scientific knowledge, as agreed by the Scientific Committee.

(vi) Alternative A

The developed country Parties shall [make effort]/[commit themselves] to take immediately steps towards reducing emissions of all anthropogenic carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol [between the years 2005 and 2010]/[as early as possible]/[after the year 2000]/ [by the year 2000] [and as a first step shall reduce such emissions by 25% by the year 2010, using 1990 as the base year] taking into account the most authoritative scientific advice available and setting targets to reduce and limit all emissions of greenhouse gases.

Alternative B

The developed country Parties shall commit themselves to continue negotiations towards reducing all greenhouse gases, other than those already controlled by the Montreal Protocol, taking into account the most authoritative scientific, social and economic advice available and based on a programme of targets and schedules agreed on internationally.

Alternative C

As part of the elaboration of a protocol on greenhouse gas emissions, in particular carbon dioxide, reduction and/or further limitation targets for carbon dioxide and other greenhouse gases should be explored, including possible strategy options aimed at progressive reductions and/or further limitations at the horizon 2005 and 2010. In this context also an agreement on measures for limitation or reduction of methane emissions in the energy and waste sectors should be considered as a priority.

Alternative D

The implementation of emission targets shall be reviewed before the year (2000) and new targets formulated for further (10 year) periods until the objective of this Convention is met.

(vii) The Parties shall commit themselves to enhance sinks inter alia by:

- implementing, where appropriate, site-based afforestation and reforestation programmes,

- developing measures with regard to other sinks and reservoirs, such as oceans and seas, of greenhouse gases.

[(viii) A party which using internationally accepted methods can demonstrate that as a result of human activities after 1990 the capacity of ecosystems within its territory to act as sinks of greenhouse gases has increased, has the right to credit an amount equivalent to the annual average of this increase when calculating its emission level.]

(ix) Alternative A

The [developed country] Parties shall have the option to implement specific emission [reduction] commitments individually or jointly in cooperation with [another]/[one or more other]/[developing country] Party on the basis of equity and common but differentiated responsibility. This cooperation may take place on a bilateral, regional and global level. [When Parties cooperate in implementing [reduction] commitments, the [net reduction in emissions]/[result] shall be credited to [their respective]/[the] commitments of the former under this Convention for a specific period of time, in accordance with agreements

between the cooperating Parties, [and subject to criteria approved by the Parties.]]

Alternative B (relates to para (iii) Alternative C above)
Parties making commitments in such a protocol should be able to establish bilateral, regional or global cooperation to achieve these commitments. The Conference of the Parties should establish the appropriate framework, criteria and modalities in order to provide the possibility of such cooperation.]

[IV.2. (b) Specific commitments on financial resources]

[(i) The developed country Parties and other Parties in a position to do so [shall commit adequate [new] and additional]/[will provide on a voluntary basis] financial resources [to the ones that are disbursed for development at the time of the signing of the Convention], and separate from development aid budgets to enable [developing country Parties] to meet the [full]/[agreed] incremental costs as elaborated upon in Annex .. required to fulfil the commitments under the Convention and [ensure]/[facilitate]/[promote] the expeditious transfer of [environmentally safe and sound]/[appropriate] technologies to developing country Parties to improve and develop their indigenous technology on a [fair and most favourable]/[preferential, concessional and non-commercial] basis.

(ii) Alternative A

[At its first meeting, the Conference of the Parties]/[The Parties] shall [create]/[identify by (...)] an [International]/[Multilateral] [Climate Fund] [specific to this Convention] to expeditiously mobilize for developing country Parties adequate, [new and additional] financial resources from [developed country Parties and other] Parties [who would wish to contribute]/[in a position to do so], in accordance with an agreed scale of assessment for [developing country Parties]/[other Parties with demonstrated needs]/[Parties meeting agreed criteria] in order to:

Alternative B

The Parties will through the agreed financial mechanism, where appropriate, assist the developing country Parties to:

- implement all commitments under the Convention;
- adapt to and mitigate the adverse effects of climate change in accordance with their national development plans, priorities and objectives, and compensate the social and economic imbalances that result from the implementation of the Convention;
- provide assured access to appropriate environmentally [safe and] sound "state-of-the-art" technologies;
- complement their efforts to create and develop their endogenous capacities in scientific and technological research and development, systematic observations and information directed at combating climate change;
- strengthen operative institutional capacities for dealing with climate change, including human resources development;
- promote research on emission control of the greenhouse gases from existing activities especially in the energy, transport, agriculture and industrial sectors;
- conduct research and pilot projects on the enhancement of natural greenhouse gas sinks including afforestation of deserts and other ecosystems, halophyte afforestation and expansion of coral reefs and oyster bank ranges.

(iii) The fund shall operate under the authority of the Conference of the Parties [and shall be distinct and independent from other funds and international financial institutions]/[who shall decide on its overall policies and shall be administered as a Trust Fund by the GEF of IBRD/UNDP/UNEP.]]

[IV.2. (c) [Technology Cooperation]/[Transfer of Technology]]

Consistent with the objective of the established fund:

(i) The Parties shall take every practicable step, consistent with their national laws, regulations and practices to [ensure]/[facilitate]/[promote] the expeditious transfer either directly or through competent intergovernmental bodies of requisite [environmentally safe and sound]/[appropriate] technologies so as to enhance the ability to meet the technological needs of [the developing countries Parties]/[Parties which meet agreed criteria defined in Annex ..] in [implementing]/[meeting] their stated commitments under the Convention.

(ii) The Parties shall, for the purpose of implementing commitments under the Convention [cooperate in promoting]/[promote], consistent with their national laws, regulations and practices and taking into account the particular needs and indigenous technologies of developing country Parties, directly or through competent intergovernmental bodies, the development and transfer of environmentally safe and sound technology and knowledge. Such cooperation shall be carried out particularly through:

- supporting the development of endogenous capacity building in developing countries through, inter alia, the development of human resources and the strengthening of institutional capacities in research and development, in accordance with the plans, objectives and priorities of these countries;

- Alternative 1
  provision of information on [appropriate]/[up to date environmentally safe and sound] technologies [and equipment, including supply of special manuals or guides] to other Parties;

  Alternative 2
  ensuring the access of developing countries to scientific and technological information, in particular in state-of-the-art technologies, through the establishment of an international database, based on regional and national centres, easily accessible by potential users to information related to technological options, trading conditions, implementation costs, and technologies security;

- supply of necessary equipment and facilities for research and development and systematic observation;

- appropriate training of scientific, technical and managerial personnel on the technologies, equipment and installations referred to in para (c) above;

- development of environmentally sound technologies in the public domain;

- assistance to developing countries in building up their endogenous capacities and skills in scientific and technological research and development;

- financial incentives provided by developed countries to encourage exports of environmentally sound technologies to developing countries;

- appropriate means to prevent monopolistic practices in transfers of environmentally sound technologies;

- support for the development of policies in the public sector, e.g. with regard to energy, transport, infrastructure and city planning.

(iii) [Alternative A

Non-compliance procedure and [intellectual property] rights should not be applied against developing country Parties if patented technology mandated by conventions is not accessible to them.]

[Alternative B

Intellectual property rights shall not be a barrier to the compliance of this Convention by developing country Parties.]

(iv) Compliance with this Convention by developing country Parties will be dependent upon the effective implementation of the provisions of this Convention on financial resources and transfer of technology.]

[IV.3. SPECIAL SITUATIONS]

2. The Parties shall give full consideration to the specific needs, including the transfer of technology and funding, of developing country Parties especially

(a) countries vulnerable to sea level rise such as:
- small island [developing] countries,
- low lying coastal areas;

(b) countries with potential adverse change in precipitation such as:
- arid and semi-arid areas;

(c) countries with potential adverse change in meteorological conditions such as
- areas prone to natural disasters including tropical cyclones, flooding and erosion,
- areas liable to drought and desertification,
- high urban atmospheric pollution;

(d) countries with fragile ecosystems, including mountainous ecosystems;

in order to enable them to adapt to and combat the potential [adverse]/[non desirable] effects of climate change.

3. The developed country Parties shall take full account of the specific needs and special situations of the least developed countries in their action with regard to funding and transfer of environmentally safe and sound technology.

4. The Parties shall give special consideration, in the implementation of the commitments of the Convention, to the adoption of concrete measures and the situation of the [Parties particularly the] developing country Parties whose economies are highly dependent on fossil fuels, [either because they are not in a position to use]/[and assist them in order to facilitate their use of] substitutes for such fuels, [or do not possess the]/[increase their] flexibility to switch to non-fossil fuels, [or because of] [and over time, reduce] their high dependency of income upon the production, exportation, or consumption of fossil fuels and associated energy intensive products.

5. Alternative A

The Parties recognize that in the implementation of the commitments of the

Convention an adequate degree of flexibility to stabilize their economy and modernize their industry and agriculture has to be given to countries with economies in transition.

Alternative B

The Parties recognize that in the acceptance and the implementation of the commitments of the Convention, a certain degree of flexibility has to be given to countries with limited economic resources, in particular, to countries which are in the process of stabilizing their economies, to enhance their ability to cope with the effects of climate change.

6. The developed country Parties shall set up an international insurance pool to provide financial insurance against the consequences of sea level rise to compensate the most vulnerable small island and low lying coastal developing countries against sea level rise.]

Alternative to section IV.3

The Parties shall give full consideration to the specific needs of the following groups of Parties, particularly, the developing country Parties, in undertaking actions to combat the adverse consequences of climate change and in the transfer of financial resources and technology:

(a) small island developing countries;

(b) low lying coastal areas;

(c) arid and semi-arid areas;

(d) areas prone to natural disasters;

(e) areas liable to drought, desertification and high urban atmospheric pollution;

(f) areas with fragile ecosystems including mountainous ecosystems;

(g) those economies which are highly dependent on fossil fuels, either because they are not in a position to use substitutes for such fuels or do not possess the flexibility to switch to non-fossil fuels, or because of their dependency upon the production, exportation or consumption of fossil fuels and associated energy intensive products;

(h) least developed countries; and

(i) countries with economies in transition.

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CONSOLIDATED WORKING DOCUMENT*

Addendum

V. COOPERATION ON SCIENCE, RESEARCH, INFORMATION AND EDUCATION

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V.1. SCIENTIFIC [,TECHNOLOGICAL] AND TECHNICAL COOPERATION

Cooperation

1. The Parties shall cooperate [, on a global and regional level,] in the development and dissemination of scientific, [technological,] technical, socio-economic and legal knowledge relevant to [uncertainties surrounding] climate change, and the potential responses thereto, through research [and development] and systematic observation, exchange of information and education, training and public awareness. [Such cooperation shall be carried out with due respect to national sovereignty and shall be consistent with national laws, regulations and practices.]

Developing countries

2. The Parties shall take into account the particular concerns and needs of developing countries and [seek to] [promote] [improve] [the] [their] capacity and capability [of all Parties] to participate in these cooperative efforts.

Minimize duplication

3. The Parties shall also seek to minimize duplication of [these cooperative] effort[s] by utilizing, where [possible] [appropriate], existing competent international and intergovernmental bodies.

V.2. RESEARCH [AND DEVELOPMENT] AND SYSTEMATIC OBSERVATION

Cooperation

1. The Parties [shall] [undertake [in accordance with their needs and the means at their disposal] to initiate] [promote] and cooperate in, directly or through competent international and intergovernmental bodies [,as decided by the Parties,] the conduct of research [and [technological] development] and systematic observation related to the climate system and climate change [as elaborated in Annex I].

National Jurisdiction

[2. Within areas under its jurisdiction, [Within its scientific means,] [and, where appropriate, within the framework of established international climate and research programmes,] each Party shall [undertake] [within their capabilities] research [and development] and systematic observation [in accordance with the means at their disposal].] [Parties that do not have the indigenous capability to undertake research and development will be ensured assistance as articulated in Article [V.1.]]

Beyond National Jurisdiction

[3. [In areas beyond national jurisdiction[s],] the Parties shall encourage cooperation in research [and development] and systematic observation, taking into account [relevant laws] [and activities] [and existing programmes] at both the national and international levels. Special measures shall be implemented to promote [equal] [full and open] access to data obtained [from these areas].

Strengthen Networks and Capacity

4. The Parties shall [implement measures, including] support [for] international and inter-governmental efforts [of competent bodies as decided by the Parties] to strengthen the observational networks and data collection and research capacities, particularly in developing countries, [and shall contribute to the development of an integrated global climate observing system built upon existing cooperative international meteorological and oceanographic observing systems].

[Possible Alternative to Articles [V.1. and V.2.]

SCIENTIFIC AND TECHNICAL RESEARCH, SYSTEMATIC OBSERVATION AND COOPERATION

1. The Parties shall initiate and cooperate in, directly or through competent international and intergovernmental bodies, scientific and technical research and systematic observation related to the climate system and climate change as elaborated in Annex I.

2. Within areas under its jurisdiction, each Party shall be responsible for undertaking scientific and technical research and systematic observation.

3. The Parties shall take into account the particular concerns and needs of developing countries and seek to promote the capacity and capability of all Parties to participate in these cooperative efforts.

4. The Parties shall support international and intergovernmental efforts to strengthen the observational networks and data collection as well as scientific and technical research capacities particularly in developing countries.

5. The Parties shall also seek to minimize duplication of effort in research and systematic observation by utilizing, where possible, existing competent international and intergovernmental bodies.]

V.3. EXCHANGE OF INFORMATION

In order to achieve the objective of the Convention, the Parties [shall] [may] facilitate and encourage, [taking into account the special circumstances of developing countries,] directly or [, as far as possible,] through [existing] competent international and intergovernmental organizations, full [, open] and timely exchange of relevant scientific, technological, technical, socio-economic and legal [available] information [as described in Annex II]. [The Parties recognize that cooperation under this Annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets and protection of confidential and proprietary information.]

V.4. EDUCATION, TRAINING AND PUBLIC AWARENESS

Promotion

1. In order to increase the understanding of climate change [and the uncertainties surrounding it] and to facilitate appropriate responses, the Parties shall promote education, training and public awareness related to climate change.

National

2. At the national [and/or regional] level and in accordance with [national laws and regulations] [the means] at their disposal, the Parties shall promote and facilitate:

(a) The development and implementation of public awareness and education programmes on climate change;

(b) Public access to information on climate change;

(c) Public participation in addressing climate change issues and developing appropriate responses; and

(d) Appropriate training of scientific, technical and managerial personnel.

International

3. At the international level, using existing organizations, institutions and channels where appropriate, the Parties shall cooperate in and promote:

(a) The development and exchange of public awareness and educational material on climate change; and

(b) The development and implementation of education and training programmes, including the exchange or secondment of personnel, in particular for developing countries.

[Alternative to paragraph 3(b)

(b) The development and implementation of education and training programmes should be carried out by:

(i) Providing courses and skills particularly to developing countries in the developed countries' institutions in the short and medium term;

(ii) In the long term, assist developing countries build such institutions on their own; and

(iii) Exchange or secondment of personnel to train experts in this field in the developing countries.]

19 December 1991

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FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Fourth session
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Agenda item 2 (c)

CONSOLIDATED WORKING DOCUMENT*

Addendum

VI. INSTITUTIONAL ARRANGEMENTS

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* In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. The present addendum is thus an integral part of the whole document, an edited version of which will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

A/AC.237/Misc.17/Add.3

GE.91-73311

VI.1. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. [It shall be the highest authority under the Convention.] [[Any] [All] other bodies established by or under the Convention shall be subsidiary to the Conference of the Parties].]

2. The Conference of the Parties shall keep under [continuous] review the implementation of this Convention and any [protocols] [other related legal instruments that may be agreed upon] and make [,within its mandate provided in this Article,] the decisions necessary to [ensure] [promote] the effective [operation] [implementation] [and as necessary the future development] of the Convention. To this end, it shall, [inter alia,]:

(a) [Periodically examine] [Review [and revise, as necessary,]] [in the light of the experience gained, in the implementation of the Convention and of the evolution of scientific knowledge] in accordance with Article [VII.3.] (Amendments), the [objectives of the Convention] [the efficiency of measures taken, the obligations of the Parties and the institutional arrangements provided for under the present Convention and recommend improvements where it deems necessary];

[(b) Assess and review the implementation of the [obligations] [operation] of the Convention [and its protocols];]

[(c) Consider the information submitted in accordance with Article [VII. 1] (Reporting) [to assess the totality of the global response] [and review the mechanisms and timetables for its transmission];]

[(d) Consider reports from subsidiary bodies [and take such actions as it deems necessary in accordance with the functions described in Article [VI.3.] (Secretariat), Article [VI.4.] (Advisory Committee on Science), Article [VI.5.] (Committee on Implementation), and Article [VII. 1.] (Reporting)]];

[(e) Publish regular reports on the progress in implementing the objectives of the Convention;]

[(f) Provide [policy direction and operational guidelines] [guidance] [rules] to the [administrative mechanism] for financial resources and [environmentally safe] technology transfer [, including establishing criteria and priorities and selection of projects,] provided for in Article [VI.6] (Administrative Mechanism);]

[(g) Establish criteria under which the [administrative] mechanism for financial resources and [environmentally safe] technology transfer will develop ["global accounting credit standards"] for contributions of technology;]

[Alternative to (g)

Establish criteria for joint implementation of commitments by Parties in accordance with Article xx (Joint Implementation) and Article [VI.6.] (Administrative Mechanism);]

[Alternative to (f) and (g)

Provide policy direction and establish criteria for the functioning of the [administrative] mechanism for financial resources and technology transfer;]

[(h) Consider and decide upon questions of interpretation and implementation of the Convention in accordance with Article [VII.2.] (Alternative A) (Resolution of Questions);]

(i) [Seek] [[Request] and utilize] the [services and] cooperation of, and utilize the information provided by, [competent] [appropriate] [specialized] international [organizations] and intergovernmental [and non-governmental] bodies;

(j) Review [periodically] [the evolution of the Earth's climate and the effects of measures taken under this Convention (and its protocols) on the basis of] relevant scientific, [environmental], technological, technical, legal and socio-economic information [relating to [climate change and climate change response strategies] [the climate system and its changes] [and draw up conclusions [synthesis reports] on the subject];

(k) [Promote] the coordination [[or [as appropriate] harmonization] of [appropriate] policies, strategies and measures] [of programmes] to address [the adverse consequences of] climate change, taking into account the [differing circumstances] [respective responsibilities and capabilities] of Parties to the Convention;

[Alternative to (k)

Ensure intensive exchange of information concerning policies, strategies and measures to address climate change in order to avoid the offsetting of the policies, strategies and measures due to their incompatibilities;]

[(l) [Seek to] mobilize [new and additional] financial resources [for meeting the full incremental costs] with a view to [ensuring] [promoting] [the full implementation] of the obligations of the Convention;]

(m) Promote public awareness of the climate change issue;

(n) Consider and [where appropriate] [recommend] [adopt] programmes for research [and development] and [systematic observation [of climatic changes], exchange of information, education, training and public awareness, and scientific, technological [socio-economic] and technical cooperation] [including endogenous capacity building and technology transfer] [in accordance with Article [V.2.] (Research [and Development] and Systematic Observation), Article [V.3.] (Exchange of Information) and Article [V.4.], (Education, Training and Public Awareness)];

[Alternative to (n)

Consider questions related to research and development and systematic observation, exchange of information, education, training and public awareness, and scientific, technological and technical cooperation, and seek advice on these from relevant international and intergovernmental bodies;]

(o) Establish [any] such subsidiary bodies [[,including any body] to coordinate its activities when it is not in session], as are deemed necessary for the implementation of this Convention;

[(p) Agree upon and adopt [its] [for itself and for any subsidiary bodies] rules of procedure and any amendments thereto, by consensus;]

[(q) Consider and decide [by consensus] upon financial and budgetary matters for this Convention, including the financial rules and provisions governing its operation and that of its subsidiary bodies and the secretariat;]

[Alternative to (p) and (q)

Agree upon and adopt by consensus rules of procedure and financial rules for itself and for any subsidiary bodies that are established by or under the Convention;]

(r) Consider and adopt, as may be agreed upon, [by consensus] in accordance with the relevant articles, amendments to this Convention, additional Annexes and amendments of Annexes to this Convention;

(s) Consider, [and adopt as may be agreed in accordance with Article [VII.4.] (Protocols),] any protocol[s] to this Convention,

[(t) Consider any amendment to such protocol[s], additional annexes and amendments of annexes to any protocol[s], and, if so decided, [by consensus] recommend their adoption to the Parties to the protocol[s] concerned;]

(u) Make recommendations on any matters necessary for the efficient [operation] [implementation] of the Convention; and

(v) Exercise such other functions and powers as are conferred on it by this Convention [or are required for the achievement of its purposes].

Decisions by the Conference of the Parties

[3. The Conference of the Parties shall make every effort to take its decisions under the Convention by [consensus] [general agreement], [unless otherwise expressly provided for]. If all efforts at [consensus] [general agreement] have been exhausted, decisions [on substantive issues] shall, as a last resort, be taken by a [two-thirds] [three-quarters] majority vote of the Parties present and voting.]

Meetings

[4. The first meeting of the Conference of the Parties shall be convened [insert name of the secretariat designated on an interim basis under the Article on the secretariat] not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held [annually] [every two years] unless otherwise decided by the Conference.]

5. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within [three] [six] months of the request being communicated to the Parties by the secretariat, it is supported by at least [one third] [one half] of the Parties.

Observers

[6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any other body or agency, whether national or international, governmental or non-governmental, competent in matters covered by the Convention that has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted [according to the Rules of Procedure] [unless at least one third of the Parties present object]. [The [admission and] participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.]]

[VI.2. EXECUTIVE COMMITTEE

Composition

1. An Executive Committee is hereby established. It will be composed of [fifteen] [thirty] members representing all the Parties and elected by the Conference of the Parties by a majority of the Parties present and voting. The members shall be Government representatives [who are experts on matters related to climate change], designated on the basis of equitable geographical constituencies. [Each member shall be elected for a period of four years]. Their mandate shall expire at the following ordinary meeting of the Conference of the Parties. The Executive Committee shall meet [in ...] [at the location of the secretariat] at intervals to be decided by the [Committee] [Conference of the Parties]. It shall take its decisions in accordance with rules of procedure to be adopted by the Conference of the Parties.

Functions

2. The Executive Committee is the executive organ of the Conference of the Parties. It shall in particular:

(a) Ensure the implementation of the decisions of the Conference of the Parties, as instructed by the latter;

(b) Prepare the deliberations of the Conference of the Parties;

(c) Oversee the dissemination of information to all Parties about measures taken by other Parties on the basis of reports submitted in accordance with Articles ----;

(d) Establish, after a review of national reports submitted in accordance with Articles -----, a report on the implementation of the Convention by the Parties and draft recommendations to be considered by the Conference of the Parties;

(e) Prepare an evaluation of the cumulative effects of the measures taken in respect of the objectives of the Convention;

(f) Seek to establish at each stage of the review process, a close dialogue with the Parties concerned and to come to consensual solutions on questions that may arise;

(g) Oversee and give additional guidance, within the framework of the decisions of

the Conference of the Parties, to other subsidiary organs of the Convention [and especially to the financial mechanism of the Convention]; and

(h) Carry out any other function the Conference of the Parties may confer on it.

Annual report

3. The Executive Committee shall, with the assistance of the secretariat, prepare an annual report on the implementation of the Convention and propose the measures it deems appropriate to the Conference of the Parties. This report shall be transmitted to all Parties by the secretariat. The Conference of the Parties shall decide whether the report is to be published.

4. [Meetings: text to be drafted.]

5. [Election of Officers: text to be drafted.]

6. [Establishment of Ad hoc Panels: text to be drafted.]]

VI.3. SECRETARIAT

Establishment

[1. A secretariat is hereby established to service the Conference of the Parties and [its] [any] subsidiary bodies.]

Functions

2. The functions of the secretariat shall be:

(a) To arrange for and service meetings provided for in Articles [xx] (Conference of the Parties, Advisory Committees, Resolution of Questions, Amendment to the Convention, Protocols and Adoption and Amendment of Annexes)];

(b) To [prepare and] [compile and] transmit reports based upon information received in accordance with Articles [V. 3.] (Exchange of Information and Reporting), as well as upon information derived from meetings of [any] subsidiary bodies [that might be established];

[(c) To prepare reports on its activities carried out in the implementation of its functions under the Convention and present them to the Conference of the Parties;]

[Alternative to (c)

To register, process and coordinate information as decided by the Conference of the Parties with a view to providing the necessary information support to the Conference of the Parties in its task of implementing the Convention;]

[(d) To provide assistance in the compilation of national reports;]

(e) To ensure the necessary coordination with relevant [international] [and intergovernmental] bodies;

(f) To enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions [and as authorized by the Conference of the Parties];

(g) To perform the functions assigned to it by any [protocol to the Convention]

[other related legal instrument that might be agreed upon]; and

(h) To perform such other functions as may be determined by the Conference of the Parties.

Designation of interim secretariat

3. The secretariat functions will be carried out on an interim basis by the ad hoc secretariat established under resolution 45/212 of 20 December 1990 of the General Assembly of the United Nations until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article [VI. 1.] (Conference of the Parties). At its first ordinary meeting, the Conference of the Parties shall designate a secretariat. [At this meeting the Conference of the Parties shall evaluate the implementation by the interim secretariat of the functions assigned to it.]

[VI.4 ADVISORY COMMITTEE ON [SCIENCE] [CLIMATE CHANGE] [CLIMATE PROTECTION AND DEVELOPMENT]

Establishment

1. A [multi-disciplinary] Advisory Committee on [Science][s] [Climate Protection and Development] is hereby established. [The Conference of the Parties, at its first meeting, shall consider and decide the structure and operational matters of this Committee, including provisions on its membership, meetings and election of officers].

Functions

2. The Advisory Committee on [Science] [Climate Protection and Development] [shall have an advisory [and consultative] role and] shall perform the following functions, making use, to the greatest extent possible, of competent [international and] intergovernmental [and non-governmental] bodies:

(a) [Provide] [ensure the provision of] regular assessments to the Conference of the Parties on the state of knowledge in the fields of natural, technological, social and economic [and development] sciences pertaining to [climate change and] [observations, predictions and [development]] responses to climate change [and development];

(b) [Provide] [ensure the provision of] regular assessments to the Conference of the Parties on the adequacy of, and priorities for, [international cooperation on] research [and development] and systematic observation undertaken in support of the Convention [and Annex I] and to make recommendations thereon;

[(c) Review, from a scientific viewpoint, the cumulative effect of measures taken in implementation of the Convention;]

(d) Respond to [scientific] questions and any other matters [within its mandate as specified in this Article] referred to it by the Conference of the Parties or any body subsidiary to the Conference of the Parties;

(e) [Provide] [ensure the provision of] scientific [and technical] advice to the Parties, upon request, in fulfilling their [reporting requirements] [obligations];

(f) Seek [as appropriate] the assistance, advice and services of competent international [, intergovernmental and non-governmental] bodies and scientific

committees;

[(g) [Consult and report on] [consider] [review] research, assessments and other information relevant to the purposes of the Convention whether conducted by Parties, non-Parties or other national, international, governmental or non-governmental bodies or agencies [and make [such] recommendations [to such institutions] as it may deem necessary];]

[(h) [Have] access [to] the relevant [scientific and technical] information provided by the Parties in accordance with Article [VII. 1.] (Reporting) and to [the work of the mechanism established under Article [VI. 6.] (Administrative Mechanism)] and [,upon request of the Conference of the Parties,] to furnish opinions and recommendations thereon to the Conference of the Parties [and to the other subsidiary organs involved in the review process];]

(i) Identify on its own initiative matters within its [scientific] mandate [as specified in this Article] that need to be addressed [including the scientific aspects of the future development of the Convention] and to report and make recommendations thereon to the Conference of the Parties;

[(j) Establish such [subsidiary] [ad hoc] bodies, subject to the approval of the Conference of the Parties, as it may deem necessary to assist in the performance of its functions;]

[(k) Provide regular advice to the Conference of the Parties on the most reliable scientific predictions of global and regional climate;]

[(l) Facilitate the provision of regular assessments to the Conference of the Parties of the state of the global climate system and especially of any evidence of global or regional trends;] and

(m) Perform any other function assigned to it by the Conference of the Parties or under any [protocol to the Convention] [related legal instruments as may be agreed upon].

Possible additional text:

[For the purposes of the Convention, the Committee shall take up responsibility for all functions so far carried out by Intergovernmental Panel on Climate Change, which, upon the entry into force of this Convention, will be invited, by the Parties, to integrate the structure of the Convention, under the Advisory Committee. The Advisory Committee shall, besides incorporating the functions until now undertaken by the Intergovernmental Panel on Climate Change, provide regular assessments on questions related to developmental concerns and implications of the new regime for cooperation on climate change, as set forth in this Convention.]

Membership

[3. The Advisory Committee on [Science] [Climate Protection and Development] shall [have [fifteen] members], [be open-ended] who are [experts] [government representatives] [government experts] in natural, technological, social and economic [and development] sciences. They shall be elected by the Conference of the Parties, with due regard to the principle of equitable [geographic] [development level] [scientific capability] representation, [and shall serve in their individual capacities]. [Each member shall be elected for an initial term of four years and may serve [one] additional term[s] subject to the procedure set forth above.]]

[Alternative for paragraph 3

The Advisory Committee on Science shall be open to representatives of all States Parties who are experts in natural, social and economic sciences.]

[Alternative for paragraphs 3-8]

The Conference of the Parties shall, at its first meeting, decide on the composition, terms of membership and election of officers of the Advisory Committee on Science.]

[4. Each year the Conference of the Parties shall review the membership of the Advisory Committee on Science in the light of the required expertise and efficiency in the performance of its tasks. If deemed necessary, the Conference of the Parties may decide to reduce or extend the number of members, due account being taken of the criteria, procedures and links of terms of office set forth above.]

Meetings

[5. Unless the Conference of the Parties decides otherwise, the Advisory Committee on Science shall be convened within six months after the first meeting of the Conference of the Parties. Thereafter, unless [it or] the Conference of the Parties decide otherwise, the Committee shall meet at least annually.]

Election of Officers

[6. The Advisory Committee on [Science] [Climate Protection and Development] shall elect from among its members a chairman, two vice-chairmen and a rapporteur each to serve [in rotation] [for a term of [one] [two] year[s]], and who may be re-elected to serve additional terms.]

Rules of procedure

[7. The Advisory Committee on [Science] [Climate Protection and Development] shall agree upon and adopt its rules of procedure, and any amendments thereto, by consensus.]

Observers

[8. The meetings of the Advisory Committee on [Science] [Climate Protection and Development] shall be open to observers designated by any Party.]

[9. The Advisory Committee on [Science] [Climate Protection and Development] may invite, as necessary, appropriate [non-governmental] [international and intergovernmental] experts to participate in or observe its meetings.]

[10. The Conference of the Parties, in drawing up the rules of procedure for the Advisory Committee on Science, shall make appropriate provisions for the participation as observers of representatives of any body or agency, whether national or international, governmental or non-governmental, competent in matters covered by the Committee.]]

[VI.5 [ADVISORY] COMMITTEE ON IMPLEMENTATION

Establishment

1. An [Advisory] Committee on Implementation is hereby established. [Its members shall be experts in matters related to climate change and shall serve in their individual capacities.] [The Conference of the Parties, at its first meeting, shall consider and decide upon the structure and operational matters of this Committee, including provisions on its membership, meetings and election of officers.]

Functions

2. [Without prejudice to the national sovereignty of the Parties, and upon their request] The Committee shall review [the implementation by the Parties of their obligations] [the progress by the Parties in implementing all their obligations [and actions] under the Convention. It shall provide information and advice to the Parties on the development [and implementation of national strategies] to meet these obligations and on the fulfilment of the reporting requirements under the Convention. [The socio-economic circumstances of the Parties shall be taken into consideration when the Committee prepares its reports.] To this end,] the Committee shall:

(a) Advise individual Parties, at their request, on the ways and means of meeting the reporting requirements set forth in Article [VII. 1.] [and Annex III (Reporting)], [including the development of national climate change strategies,] [devising and implementing new or additional response measures] [and identifying national programmes that require [financial and technological resources] [transfer of new and additional financial resources and state of the art technology on preferential and non-commercial terms]];

(b) Review and consult with individual Parties on the report submitted by those Parties in accordance with Article [VII. 1.] (Reporting) [and request, as necessary, additional information or clarification thereon];

[(c) Report and make recommendations, as appropriate, to the Conference of the Parties on the [implementation by individual parties of their obligations under the Convention and on] [review of individual reports and the] [overall] implementation of the obligations and to the extent to which the cumulative effect of the actions to implement the Convention's obligations meets the objective of the Convention;]

[Possible additional paragraphs

On the basis of Article [VII. 1.] (Reporting) and the review, consultation, information or clarification under paragraphs (b) and (e), report and make recommendations as appropriate to the Conference of the Parties on the action of a Party or Parties to implement the Convention's obligations;]

[Review the reports submitted by the Parties in accordance with Article [VII. 1.] (Reporting) to determine, from a technical point of view

(i) Whether a report is complete, in accordance with Article [VII. 1.] (Reporting);

(ii) Whether the estimated net greenhouse gas reductions of the specific actions identified by a Party in its report could in fact be realized;

(iii) Whether the methodologies used to make the estimates were technically valid; and

(iv) If proposed projects have been identified, whether they would be likely to achieve the net greenhouse gas reductions anticipated and whether the estimated costs are consistent with the scope of the proposed projects;]

(d) Confirm to the Conference of the Parties those Parties which have submitted reports in accordance with the provisions of Article [VII. 1.] (Reporting) [and that their strategies meet their general and specific commitments under the Convention];

(e) [[Seek], [receive and]] consider [relevant] information from competent international and intergovernmental bodies and [[accredited] non-governmental organizations] [other sources];

[(f) Consult with, and seek the advice of, the Advisory Committee on [Science] [Climate Protection and Development], as necessary;] and

[(g) Assist the Conference of the Parties and individual members in the development and coordination of implementation plans.]

Membership

[3. The Committee shall [have [fifteen] members, who are], [be open-ended and composed of] [government representatives] [experts on matters related to climate change] [government experts on matters relating to climate change] [and shall serve in their individual capacities]. Members shall be elected by the Conference of the Parties with due regard to the principle of equitable representation. Each member shall be elected for a term of four years and may be re-elected to serve additional terms subject to the procedure set forth in this paragraph.]

Meetings

[4. The first meeting of the Committee shall be convened not more than six months after the first meeting of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, subsequent meetings shall be convened at least biannually.]

Election of Officers

[5. The Committee shall elect from among its members, a chairman and two vice-chairmen and a rapporteur, each to serve for a term of two years, and who may, subject to re-election, serve additional terms.]

Rules of procedure

[6. The Committee shall agree upon and adopt its rules of procedure and any amendments thereto, by consensus.]]

[Possible Alternative to VI.5.

COMMITTEE ON IMPLEMENTATION

Establishment

1. A Committee on Implementation is hereby established.

Functions

[2. Same text as paragraph 2 of Article [VI. 5.] (Implementation).]

2 bis

The Committee shall also report to the Conference of the Parties on questions regarding the interpretation and implementation of the Convention. To this end, the Committee shall:

(a) Receive and consider written submissions by Parties concerning the interpretation and implementation of the Convention;

(b) If the question relates to a specific Party, notify in writing the Party concerned that a question regarding its interpretation and implementation of the terms of the Convention has arisen;

(c) If the question relates to a specific Party, request the Party concerned to respond and take part in consultations with the Committee;

(d) Consult, as it deems necessary, representatives of any Party and any other subsidiary body established by or under the Convention;

(e) Request that the Party concerned advise the Committee of its capacity to implement fully the provisions that were the subject of the question, the provisions of the Convention as a whole, and of its needs relevant to the implementation of the Convention;

(f) Promote, using the means, institutions, and funds available under the Convention, the capacity of the Party concerned to comply with an implement its commitments under the Convention concerning the issue under consideration; and

(g) Report the results of the consultations to the Conference of the Parties including, where appropriate, recommendations for the resolution of the question.

3. The Committee shall have fifteen members, who are experts on matters related to climate change. Members shall be elected by the Conference of the Parties with due regard to the principle of equitable representation. Each member shall be elected for a term of four years and may be re-elected to serve one additional term subject to the procedure set forth in this paragraph.

Meetings

4. The first meeting of the Committee shall be convened not more than six months after the first meeting of the Conference of the Parties. Thereafter the Committee shall meet as necessary to perform its functions, but at least biennially.

Election of Officers

[5. Same text as paragraph 5 of Article [VI. 5.] (Implementation)]

Rules of procedure

[6. Same text as paragraph 6 of Article [VI. 5.] (Implementation)]]

VI.6. [[ADMINISTRATIVE] [INDEPENDENT FUNDING] MECHANISM FOR FINANCIAL RESOURCES AND TECHNOLOGY TRANSFER]

[INTERNATIONAL CLIMATE FUND]

OPTION 1

Establishment

[1. An [administrative] [independent funding] mechanism for [the administration] of the financial resources and the transfer of [safe and sound] technology, with a democratic and transparent system of governance, [and equitable participation by developed and developing countries] is hereby [established] [designated under the auspices of .....].]

[Possible Alternative Text

A financial mechanism is hereby established. The financial mechanism shall operate under the authority of the Conference of the Parties who shall decide on its overall policies. The Executive Committee of the Parties shall, with the consent of the Conference of the Parties, develop and monitor the implementation of the specific operational policies for the purpose of achieving the objectives of the financial mechanism.]

[Possible Additional Text

The financial mechanism shall include a Climate Fund which shall be administered as a Trust Fund by the Global Environment Facility of IBRD/UNDP/UNEP. The Climate Fund shall meet on a grant or concessional basis the agreed incremental costs of developing countries referred to in Article . . . .]

Functions

[2. The [administrative] mechanism for financial resources and [safe] technology transfer shall:

[(a) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, be responsible for the administration of funds, including those funds related to the promotion of [preferential and non-commercial] transfer of [safe] technology, provided by the Parties for the

fulfilment of the obligations of the Convention;]

(b) Be accountable to the Conference of the Parties for its allocation of the funds and for ensuring that the funding priorities and criteria established by the Conference of the Parties are adhered to in its financial activities;

(c) Receive and collect assessed [funds] [contributions] from the Parties to the Convention;

(d) Be responsible for receiving voluntary contributions, either financial or in kind (technology) provided by Parties, in accordance with criteria set out by the Conference of the Parties;

[Possible Alternative to (c) and (d)

Receive and collect assessed and voluntary contributions, both financial and material, including technology, from Parties and other donors, in accordance with criteria set out by the Conference of the Parties;]

(e) Establish appropriate accounting procedures to ensure that all [assessments and] [assessed and voluntary] contributions made to fulfil the obligations of the Convention are properly recorded and credited;

(f) Be responsible for facilitating the identification and selection of projects for assisting Parties to [meet] [implement] their obligations [jointly] under this Convention, based on criteria and priorities established by the Conference of the Parties;

[(g) Coordinate funding for such projects, including proposals involving transfer of [safe] technology [on preferential and non-commercial terms to developing countries] and endogenous capacity building, and, where possible, seek to match projects with available funds and [safe] technology to ensure [as defined by this Convention] maximum efficiency and cost effectiveness [at the national level];]

(h) Finance its operations from a fund, separate from its programme resources, established specifically to cover its administrative expenses;

(i) Establish internal procedures to evaluate and assess the effectiveness of its programmes drawing on outside expertise as required and reporting on such

evaluations and assessments in a timely fashion to the Conference of the Parties;

(j) Provide annual reports to the Conference of the Parties on its operations and, as required, information to the subsidiary bodies of the Convention of the Parties, in order that they can fulfil their mandates; and

[(k) Administer the [joint implementation] [cooperative system of exchange] of [emissions commitments] [commitments on emissions [of greenhouse gases] and enhancement of all sinks] according to the terms of the Conventions;]]

[Possible Additional Sub-Paragraphs

Administer operations required of it by protocols to this Convention, and any other matters agreed on by the Conference of the Parties;]

[Explore ways and means to employ financial resources to promote the flexibilization of intellectual property rights with a view to promoting the transfer of sound technology to developing countries.]

OPTION 2 (Alternative A)

[1. The Parties hereby designate the Global Environment Facility (GEF) as the mechanism for the provision of financial resources, including financial resources for technology cooperation, related to the implementation of this Convention.

2. The Parties, acting through the Conference of the Parties, may suggest to the GEF general guidelines and specific proposals for funding.

3. Further, interested Parties may meet, on an ad hoc basis, to consider whether any Party is interested in assisting another Party in the implementation of a proposed project it has identified in its national report. Parties may, as appropriate, invite representatives of multilateral financial institutions to such meetings for the purposes of providing them with an opportunity to consider projects for inclusion in their development assistance portfolios.]

OPTION 2 (Alternative B)

[1. The Parties hereby designate the Global Environment Facility (GEF) as the mechanism for the provision of financial resources to assist developing countries to meet the agreed incremental costs of implementing their obligations under the Convention.

2. The Conference of the Parties shall establish appropriate arrangements with the GEF under which the latter will fulfil this role. These arrangements shall include:

(a) Modalities by which the GEF shall take account of the general guidelines and priorities for funding established by the Conference of the Parties;

(b) The receipt, management and disbursement by the GEF of contributions provided under Article [.....];

(c) The receipt by the GEF of requests from developing country parties for funding for projects, including proposals involving transfer of technology and indigenous capacity building; and

(d) The provision by the GEF of regular reports to the Conference of the Parties on its operations (including how they relate to other assistance provided to developing countries in the energy, forest and other sectors relevant to climate change) and, as required, information to the subsidiary bodies of the Conference of the Parties to assist them to fulfil their mandate.

3. The Conference of the Parties shall ensure that the GEF is kept fully and regularly informed of the policy framework and priorities it adopts, and particularly those that are relevant to the activities of the GEF in the field of climate change.]

OPTION 3

Establishment

1. An International Climate Fund is hereby established under the authority of the Conference of the Parties which shall decide on its overall policies and operations, in particular determining priorities, criteria and selection of projects and activities to be funded. It shall be distinct and independent from other funds and international financial institutions.

2. The mechanism for financial resources and transfer of technology set up under the International Climate Fund, shall be administered as follows:

Functions relating to financial resources

(a) Meet on a grant basis the full incremental costs of measures taken by developing country Parties to adress climate change, in accordance with criteria to be developed by the Conference of the Parties;

(b) Cover the costs to developing country Parties of adaption and mitigation measures that may be needed as a result of the adverse consequences of climate change and the direct and indirect social and economic costs to developing countries that may result from the implementation of the Convention;

(c) Be responsible for receiving assessed and other contributions, either financial or as otherwise provided by Parties and other bodies, in accordance with criteria set out by Conference of the Parties;

(d) Establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil the obligations of the Convention are properly recorded, credited and accounted for;

(e) Be responsible for facilitating the identification and selection of projects and activities for supporting the efforts of Parties to meet their obligations under this Convention;

(f) Finance the secretarial services of the Fund and related support costs;

(g) Provide an annual report to the Conference of the Parties on its operations and, as required, information to the subsidiary bodies of the Convention of the Parties, in order that they can fulfill their mandates; and

(h) Provide, in general, funding for projects and activities organized under this Article and in accordance with the provisions set out by this Convention.

Functions related to transfer of technology

(i) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, coordinate the appropriate procedures and take the necessary steps to promote, facilitate and enable the transfer of technology;

(j) Provide funding to purchase requisite technologies for the implementation of projects undertaken by developing country Parties under the mechanism set up by the International

Climate Fund;

(k) Promote, and finance when necessary, the exchange of and access to technological information required by the Parties. The technological information should include inter alia, the environmentally sound and safe technologies including those that have been neglected or displaced, the technological options, trading conditions, implementation costs and technological security;

(l) Coordinate ways and means to develop long-term technological partnerships between the holders of environmentally sound technologies and potential users in Parties, particularly developing countries, taking into account their national objectives and policies;

(m) Organize, when requested by a recipient Party, or group of recipient Parties and on terms and conditions set out by such recipient countries, international competitive bidding to purchase requisite technologies for transfer to the requesting parties;

n) Provide requested support to a recipient Party or group of recipient Parties to assess the offers presented in international competitive bidding, to enable the requesting parties to obtain the most favourable terms and conditions, including inter alia, in terms of price, transfer of know-how, high safety and environmental requirements, training, supply of spare parts, and maintenance; and

(o) Ensure the development of endogenous capacity building in developing country Parties, including technologies in the public domain, in accordance with their development plans, objectives and priorities of these countries, through, inter alia, the supply of necessary equipment, expertise and facilities for research and development, and the training of scientific, technical, and managerial personnel.]

[Possible Additional Text Related to Objectives under Article 22 (Based on Misc.12)

1. The funding mechanism shall have the following functions:

(a) Implement commitments under the Convention;

(b) Adapt to and mitigate the adverse effects of climate change in accordance with their national development plans, priorities and objectives.

(c) Provide access to appropriate environmentally [safe and] sound "state-of-the-art" technologies;

(d) Strengthen operative institutional capacities for dealing with climate change, including human resources development;

(e) Promote research on emission control of the GHGs from existing activities especially in the energy, transport, agriculture and industrial sectors;

(f) Conduct research and pilot projects on the ecologically sustainable enhancement of natural GHG sinks.]]

[VI.7. INSURANCE

The Parties shall establish separate supplementary financial mechanisms to assist developing countries, particularly least developed countries, vulnerable small island and low lying coastal developing countries [and developing countries with vulnerable mountain areas] [and countries suffering from desertification or drought] to prevent or mitigate the adverse consequences of sea-level rise resulting from climate change, as specified in Annex V (Insurance Mechanism).]

19 December 1991

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FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
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CONSOLIDATED WORKING DOCUMENT*

Addendum

VII. PROCEDURES

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* In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. The present addendum is thus an integral part of the whole document, an edited version of which will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

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VII.1. REPORTING

Submission of Reports

1. [In accordance with its particular circumstances and capabilities] Each Party [shall] [may] submit to the secretariat a report on [its national strategy and on the policies and] the measures it [has undertaken] [is undertaking] to implement its obligations [as well as the opportunity costs of foregoing a national development option and projects for transfer of financial resources and technologies] under the Convention, as well as on any other actions it deems relevant [with respect to the objectives to the Convention], [including the extent to which those measures will contribute to meeting such obligations], [[drawn up] [in accordance with] [and may include] the provisions set forth in [Annex III] to this Convention] [consistent with national laws and regulations]. [For developing country Parties, the fulfilment of this obligation will be conditional on the availability of corresponding new and additional financial resources.]

First Report

2. For developed country Parties, the first report [shall] [may] be submitted within [one] [two] year[s] of the entry into force of the Convention [for it] or within [one] [two] year[s] of ratification, acceptance or approval of, or accession to, the Convention. For developing country Parties, the first report [shall] [may] be submitted within [two] [four] [five] years of the entry into force of the Convention [for it] or within [two] [four] [five] years of ratification, acceptance or approval of, or accession to, the Convention.

[3. The developing country Parties to this Convention shall be assisted in the preparation of the report. Such assistance will include both technical and financial assistance as well as the identification of the technical and financial needs associated with the implementation and review of such reports.]

Frequency of Reports
(See also Annex II, paragraph 3)

[4. The frequency according to which reports and their updating will be submitted will vary from one year to five years, depending on the different levels of energy-related CO_2 emissions per capita, as defined by the Conference of the Parties, based on internationally

accepted data.]

Regional/Group reporting

[5. Any group of Parties may, subject to the prior notification to the [Advisory Committee on Implementation] [body in charge of implementation], [and with the approval of the Conference of the Parties], submit a single report in fulfilment of their obligation under paragraph 1 above [provided that such a report includes details of each Party's contribution to fulfilment of its individual obligations].]

Transmission to Conference of the Parties

6. The secretariat [shall] [may] transmit the reports submitted by the Parties to the Conference of the Parties, [within four months of receiving such reports] except as provided for in paragraph 8 below.

Transmission to Advisory Committee on Implementation

[7. The secretariat [shall] [may] transmit the reports submitted by the [Parties to the [Advisory Committee on Implementation] [body in charge of implementation].]

Confidential Information

8. The secretariat shall ensure that information [designated as confidential by the supplying Party] [and] [meeting the criteria for confidentiality established in Annex III] is not disclosed [[to other Parties and is aggregated] [and shall aggregate it] to protect its confidentiality [before it is made available to all Parties].]

[VII. 2. (Alternative A)

RESOLUTION OF QUESTIONS REGARDING INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

Process

[1. [Subject to paragraph 5] The Conference of the Parties shall, in a timely fashion, consider and resolve questions regarding the interpretation and implementation of the Convention [including those questions] that are brought to its attention in writing by Parties or by its subsidiary bodies. To this end, it may establish [one or more ad hoc] [a] Panel(s) of its members, designated [with specific and limited terms of office] in accordance with Annex ___ (Annex to be drafted). [If questions relate to a specific Party, the ad hoc panel(s) shall invite a representative of the Party that is the subject of the question (hereinafter referred to as the "Party concerned") to attend the meetings of the Panel.] [In considering the question before the next ordinary meeting of the Conference of the Parties and following the meeting at which the ad hoc Panel was established, the ad hoc Panel shall:

(a) If the question relates to a specific Party, [(hereinafter referred to as the "Party concerned")] notify in writing the Party concerned that a question regarding [its] interpretation and implementation of the terms of the Convention has arisen;

(b) [If the question relates to a specific Party,] request the Party concerned to respond [and] take part in consultations with the Panel [and attend meetings of the Panel];

[(c) Request any Party which brought the question to the attention of the Conference of the Parties to take part in consultations with the Panel and attend meetings of the Panel;]

(d) Consult, as it deems necessary, representatives of any Party and other expert bodies;

(e) Request that the Party concerned advise the ad hoc Panel(s) of its capacity to implement fully the provisions that were the subject of the question, the

provisions of the Convention as a whole, and of its needs relevant to the implementation of the Convention;

(f) Promote, using the means, institutions, and funds available under the Convention, the capacity of the Party concerned to comply with and implement its commitments under the Convention; and

(g) Report the results of the consultations to the Conference of the Parties, including, if necessary, a recommendation for resolution of the question.]

[Possible addition to paragraph 1

The Conference of the Parties may, pending final resolution of the question, take any interim action it deems necessary to advance the objectives of the Convention.]

[Alternative to paragraph 1

1. The Conference of the Parties shall, in a timely fashion, consider and resolve questions regarding the interpretation and implementation of the Convention that are brought to its attention in writing by Parties or by its subsidiary bodies. To this end the Committee on Implementation established under Article [VI. 5.] (Implementation Committee) shall consider such questions and submit a report to the Conference of the Parties.]

Consideration of Report

[2. At its next [ordinary] meeting, the Conference of the Parties shall consider the report of [an ad hoc Panel] [Committee on Implementation] and [take any course of action] [adopt any recommendation] [issue recommendations on actions] [it deems] necessary to further the objectives of the Convention. In doing so, the Conference of the Parties [or an ad hoc Panel] may, at any time, seek an advisory opinion from [an ad hoc Panel of Legal Experts.] [a subsidiary body established by or under the Convention.] [The Conference of the Parties may also, if appropriate, request an advisory opinion from the International Court of Justice.]]

Decisions by Conference of the Parties

[3. If the Party concerned does not comply with the course of action set out by the Conference of the Parties, the Conference of the Parties may, again, take any further action it

deems necessary to advance the objectives of the Convention [including:...].]

Voting

4. The Parties shall make every effort to take [action] [decisions] under this Article by consensus. If [all] efforts at consensus have [been exhausted] [failed], [action] [recommendations] shall [, as a last resort,] be [taken] [adopted] by a [two-thirds] [three-quarters] majority vote of the Parties present and voting.

[Possible additional paragraph

5. The Conference of the Parties may resolve not to use the procedure set out in this Article, if the particular question of interpretation or implementation is being considered by the Arbitral Tribunal pursuant to Article [VII. 2.] (Alternative 2) (Settlement of Disputes) or the International Court of Justice.]]

[POSSIBLE ALTERNATIVE TO VII. 2. (Alternative A)

Process

1. Questions relating to the implementation of the Convention may be drawn to the attention of the Conference of Parties by Parties [and by any subsidiary body established by or under the Convention]. Any Party concerned about another Party's implementation of its obligations under the Convention or about its own capacity to implement fully those obligations may notify its concern, through the secretariat, to the Conference of Parties. The Conference of Parties shall, in timely fashion, consider any such question and promote its resolution. To that end it may, as necessary, establish an ad hoc Panel of ..... of its members.

2. In considering the question before the next ordinary meeting of the Conference of Parties, the ad hoc Panel shall:

(a) Invite the Party which has brought the question to the attention of the Conference of Parties and any other Party whose implementation of the Convention is in question to attend meetings of the Panel and take part in consultations with it;

(b) Provide the Party whose implementation of the Convention is in question a full opportunity to inform the Panel of its capacity to implement its obligations under the Convention and of its needs relevant to that issue;

(c) Consult, as it deems necessary, any subsidiary body established by or under the Convention and other expert bodies;

(d) Promote, as necessary, the enhancement of the capacity of the Party whose implementation of the Convention is in question to implement fully its obligations under the Convention; and

(e) Report the results of its consultations, together with any recommendations, to the next ordinary meeting of the Conference of Parties.

Consideration of Report

3. After considering the report of the ad hoc Panel, the Conference of Parties may decide to adopt a recommendation or recommendations to promote the full implementation of the Convention and to further its objectives.

Voting

4. The Conference of Parties shall make every effort to take decisions under this Article by consensus. If all efforts at consensus have been exhausted decisions shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting.

Additional rules

5. The Conference of Parties may in elaboration of the provisions of paragraph 2 of this Article, lay down additional rules relating to membership of ad hoc Panels, their meetings and procedures.

Relationship to Dispute Settlement (VII. 2.) (Alternative B)

Option 1

6. If, after the expiry of ..... months following the initial submission of any question to the secretariat pursuant to paragraph 1 of this Article, any Party continues to have a concern relating to the implementation by another Party of its obligations under the Convention, it shall be entitled to invoke the dispute settlement procedures, established by Article [VII. 2.] (Alternative B) (Settlement of Disputes) of the Convention.

Option 2

6. The provisions of this Article are without prejudice to the operation of Article [VII. 2.] (Alternative B) (Settlement of Disputes) of the Convention.]

[VII. 2. (Alternative B)

SETTLEMENT OF DISPUTES

Negotiation and other peaceful means:

[1. In the event of a dispute between Parties concerning the interpretation or application of this Convention or any Protocol thereto, the Parties concerned shall seek solution by negotiation [or in the manner set forth in Annex... (Resolution of Questions Regarding Interpretation and Implementation of the Convention).]

2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.]

Recourse to other third-party procedures

[3. If the Parties concerned cannot settle their dispute in the manner set forth in paragraphs 1 and 2 of this Article, and if they so agree, the dispute shall be submitted to the International Court of Justice or to arbitration in accordance with Annex IV.

4. Failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration does not absolve the Parties from the responsibility of pursuing the means of settlement pursuant to paragraphs 1 and 2 of this Article.

5. At the time of ratification, acceptance, approval, or accession to the Convention, or at any time thereafter, a State or regional economic integration organization may declare in a written instrument submitted to the Depositary that, for a dispute not resolved in accordance with paragraphs 1 and 2 above, it accepts in relation to any Party accepting the same obligation, one or both of the following means of dispute settlement:

(a) Arbitration in accordance with Annex IV;

(b) Submission of the dispute to the International Court of Justice.

6. A declaration made under paragraph 5 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

7. A declaration made under paragraph 5 above shall not affect the operation of paragraphs 1 and 2 of this Article.

8. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the Parties to the dispute otherwise agree.

9. Declarations and notices referred to in this Article shall be deposited with the Depositary who shall transmit copies thereof to the Secretariat and to all Parties.

10. If, after the expiry of twelve months from the date of a request made pursuant to paragraph 1 of this Article, the Parties concerned have not been able to settle their dispute or have not agreed on the competence of the International Court of Justice or the Arbitral Tribunal, the dispute

OPTION 1: Conciliation Commission

shall be submitted to a Conciliation Commission. The Commission shall be composed of an equal number of members appointed by each Party concerned, and of a chairman chosen jointly by the members appointed by the Parties. The Commission shall render a final, non-binding decision, which the Parties shall consider in good faith.

OPTION 2: Judicial settlement

may be submitted, at the request of any one of the Parties, to the Arbitral Tribunal.]]

VII. 3. AMENDMENTS TO THE CONVENTION

Proposals

1. Any Party may propose amendments to this Convention.

Adoption of Amendments

2. Amendments to this Convention shall be adopted at a [regular] meeting of the Conference of the Parties. The text of any proposed amendment to this Convention shall be communicated to the Parties by the secretariat at least [three] [six] months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the Signatories to the Convention for information.

3. The Parties to the Convention shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. [If all efforts at consensus have been exhausted, and no agreement reached,] [If the efforts do not seem likely to attain this objective,] the amendment shall be adopted by a [two-thirds] [three-quarters] majority vote of such Parties present and voting at the meeting [whose [net] emissions of [greenhouse gases] [CO_2 represent at least [xx%] [75%] [80%] of estimated global [net] [CO_2] [greenhouse gases] [emissions in the preceding [five] year[s],] the amendment shall be submitted by the Depositary to all Parties for their ratification, acceptance or approval.

Voting

4. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Entry into Force of Amendments

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 above, [for those States having accepted the amendment] shall [unless otherwise provided in the amending instrument itself] enter into force on the ninetieth day after the date of receipt by the Depositary of notification of their ratification, acceptance or approval, by at least [two-thirds] [three-quarters] of the Parties to this Convention [and whose [net] emissions of greenhouse

gases represent at least 80% of [net] global emissions in the preceding year].

6. The amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of ratification, acceptance or approval of the amendments.

[VII. 4. PROTOCOLS

Adoption

1. [This Convention and its protocols shall jointly constitute an international legal regime regarding climate change.] The Conference of the Parties may at any [regular] meeting adopt protocols [that are aimed at implementing the [comprehensive] purposes and principles established in the Convention, specifying [comprehensive] measures or obligations relating to [certain] [all] aspects of climate change]. [The protocols shall be in conformity with the provisions of the Convention.]

Notification to the Parties

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least [three] [four] [six] months before such a meeting.

Entry into Force

[3. The requirements for the entry into force of any protocol shall be established by that instrument [and may include provisions regarding [accelerated] [differentiated] procedures for entry into force].]

Parties to a Protocol

[4. Only Parties to the Convention may be Parties to a protocol.]

Only Parties to Protocol to take Decisions relating to a Protocol

5. [Subject to the provisions of paragraph 1 above,] Decisions under any protocol shall be taken only by the Parties to the protocol concerned.]

VII. 5. ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

Annexes as integral to the Convention

1. The Annexes to this Convention shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any Annexes thereto. [Such Annexes shall be restricted to [procedural, scientific, technical and administrative matters] [technical lists or forms of a scientific or technical character] [lists, forms and any other material of a descriptive nature only].]

Adoption of Additional Annexes to the Convention

2. [Additional] Annexes to the Convention shall be proposed and adopted according to the procedure set forth in Article [VII. 3.] (Amendments to the Convention).

Procedure for Entry into Force of Additional Annexes to the Convention

3. Annexes that have been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention [three] [four] [six] months after the date on which the Depositary issues notices to such Parties of the adoption of the Annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex. The Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date of withdrawal of such notification has been received by the Depositary.

Procedure for Amendments to Annexes

4. The proposal, adoption and entry into force of amendments to Annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of Annexes to the Convention.

5. If an additional Annex or an amendment to an Annex involves an amendment to the Convention, the additional Annex or amended Annex shall not enter into force until such time as the amendment to this Convention enters into force.

VII. 6. RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention [and which are present at the time the vote is taken]. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

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CONSOLIDATED WORKING DOCUMENT*

Addendum

VIII. FINAL CLAUSES

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VIII.1. DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of this Convention.

VIII.2. SIGNATURE

This Convention shall be open for signature by States [Members of the United Nations or members of the Specialized Agencies of the United Nations] and by regional economic integration organizations at [ ] from [ ] to [ ], and at the United Nations Headquarters in New York from [ ] to [ ].

VIII.3. RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Regional Economic Integration Organizations

2. Any regional economic integration organization which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

Declarations of Competence

3. In their instruments of ratification, acceptance, approval or accession, [the] regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

VIII.4. ENTRY INTO FORCE

Entry into Force of the Convention:

1. This Convention shall enter into force on:

(Four options)

- **Option 1:**
  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession.

- **Option 2:**
  The ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from states or regional economic integration organizations whose [net] emissions of greenhouse gases [CO_2] represent [two-thirds] [three-quarters] of estimated total global net emissions in [year].

- **Option 3:**
  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession by, and of ratification, acceptance, approval or accession by States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO_2] represent [two-thirds] [three-quarters] of estimated total global net emissions in [year].

- **Option 4:**
  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, or the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO_2] represent [two-thirds] [three-quarters] of estimated total global net emissions in [year], whichever is the earlier.

Entry into Force for Parties once Convention Already in Force

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, [in accordance with paragraph 1] it shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

Regional Economic Integration Organizations

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of the organization.

VIII.5. RESERVATIONS AND DECLARATIONS

1. [No] reservations may be made to this Convention.

Parties Not Precluded from Making Declarations

[2. Paragraph 1 above shall not, however, preclude a State or regional economic integration organization when signing, ratifying, accepting, approving or acceding to this Convention, from making declarations or statements, provided that such declarations or statements do not purport to exclude or to modify the effects of the provisions of the Convention in their application to that State or regional economic integration organization.]

VIII.6. WITHDRAWAL

Written Notification of Withdrawal from Convention

1. At any time after [three] [four] [five] years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

Effective Date of Withdrawal

2. Any such withdrawal shall take effect upon expiry of [six months] **[one year]** from the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Withdrawal from Convention considered as Withdrawal from Protocol

3. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party. [Withdrawal from a protocol is governed by the provisions of this protocol.]

VIII.7. AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at .....this .....day of .....19...

19 December 1991

ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Fourth session
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CONSOLIDATED WORKING DOCUMENT*

Addendum

ANNEX

I. Research [Development] and Systematic Observation

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* In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. The present addendum is thus an integral part of the whole document, an edited version of which will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

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ANNEX I

[RESEARCH [TECHNOLOGICAL] [[AND] DEVELOPMENT] AND SYSTEMATIC OBSERVATION] [TECHNOLOGICAL AND SCIENTIFIC RESEARCH AND SYSTEMATIC OBSERVATION]

[1. The Parties recognize that [the] major [scientific] [issues] [uncertainties] [[in the] state of knowledge] related to climate change [,and its relation to development,] are:]

[Possible Alternative Chapeau

The following areas are suggested for the purposes of Article [V.II], in the promotion of and cooperation in research, technological development and systematic observation relevant to climate change:]

(a) understanding the interactions between changes in the climate system and the physical, chemical, biological, hydrological and geological processes and solar cycles in the atmosphere, oceans and land;

[(b) documentation of the contemporary and historic changes in the Earth's climate through long-term systematic observations of the Earth's atmosphere, oceans, terrestrial and socio-economic systems;]

[(c) developing models of the Earth climate system and prediction of the magnitude and rate of future climate change in the global, regional and national scales, due to both natural processes and human activities;]

(d) understanding the impacts of climate change [and the response to it] on ecosystems and social and economic systems; and

(e) evaluating the methodologies for assessing options for mitigating and adapting to climate change, including consideration of [socio-economic] costs and benefits of such options [including opportunity costs of foregoing options].

[[2. [The Parties recognize the need to cooperate] [Indicative list of areas where cooperation] in conducting research [and development] and systematic observation [is needed], in accordance with Article 2 [, in such areas as]:]

(a) Systematic Observations. Long term systematic observations of the Earth's atmosphere, oceans, seas, terrestrial and socio-economic systems on global and regional scales, including documenting the contemporary and historical changes in the Earth's environment using an integrated space, land and ocean based [global climate] observing system and relevant paleoenvironmental data. [Full use of existing weather and climate observing systems should be ensured.] Specifically there is a need for systematic observations to measure and/or estimate:

(i) atmospheric parameters, including,

- greenhouse gases, aerosols and their possible precursors;
- clouds, by type, amount, height, composition and optical properties;
- precipitation, evaporation and water vapour, temperature, wind and radiative fields.

(ii) oceanic parameters, including,

- ocean fluxes, particularly of heat and of greenhouse gases, aerosols, and their possible precursors between the ocean surface and atmosphere;
- sea level, temperature, roughness, circulation, ice cover, chemical composition, biological activity and colour.

[(iii) coastal zone parameters, including,

- sea level, temperature and other relevant meteorological and oceanographic parameters;
- parameters defining state and viability of coastal ecosystems, including coral and planktonic populations;
- parameters defining the quality and viability of human settlements.]

(iv) terrestrial parameters, including,

- fluxes of heat and of greenhouse gases, aerosols, and their possible precursors between ecosystems and the atmosphere;
- extent, state and productivity of managed and unmanaged ecosystems;

- physical surface characteristics, such as temperature, albedo, roughness, soil parameters, snow, ice, permafrost, glaciers, lake levels, and river discharge; and

- geodynamic, seismic and volcanic processes and their consequences.

(v) socio-economic parameters, including,

[- consumption patterns;]
- population dynamics;
- urban development;
- rural population;
- type, extent and variability of land use practices;
- economic variables including reserves of natural resources, incremental costs, debt problems, [commodity prices] and terms of trade;
- geographic characteristics of countries;
- technology and practices in energy, forestry, agriculture, transport, hydrology, and industry;
- human health.

(b) Process research. Research of the coupled physical, chemical, biological, [hydrological, geological,] economic and social processes that affect the Earth's climate system. There is a need for an improved understanding of the processes [and development of methodologies] governing:

(i) the sources and sinks of greenhouse gases, aerosols, and their possible precursors, which affect future atmospheric concentrations and the Earth's radiative balance, and how these may be influenced by climate change. Specifically:

- identification, quantification and development of an understanding of the processes that control oceanic, terrestrial, and atmospheric sources, sinks and reservoirs of anthropogenic and natural origin;
- quantitative estimation of radiative properties and lifetimes;
- improved indices that reflect the radiative forcing of greenhouse gases [, taking into account historical emissions]:

- development and improvement of methodologies for national inventories of sources, sinks and reservoirs.

(ii) atmospheric cycling of [radiation,] heat and water, with emphasis on cloud formation, dissipation and radiative properties, which influence the response of the atmosphere to greenhouse forcing. Specifically, research on:

- the atmospheric distribution of water vapour, precipitation, and clouds;
- evaluating the radiative properties of clouds;
- evaluating the temporal variability of solar radiative input and atmospheric transmission;
- the evaluation and mapping of surface albedo.

(iii) oceans, which influence the patterns and rate of climate change. Specifically, studies to establish the mechanisms governing:

- ocean dynamics;
- the transport of heat and chemicals;
- exchanges of energy and chemicals with the atmosphere;
- interactions between the ocean and land;
- the role of biological processes in the cycling of carbon and sulfur and their response to anthropogenic activities;
- sea level changes.

(iv) the role of terrestrial systems in hydrological and ecological processes, which affect regional climate change and water availability. Specifically, studies of the role of terrestrial geophysical and biological, hydrological processes in the cycling of energy, water and nutrients on land and exchange with the atmosphere, [the sea level rise and rivers of fresh water] and their response to environmental changes.

(v) the cryosphere, particularly in polar regions, which affects global sea level changes and regional climate change. Specifically, studies of:

- the mass balance of polar ice sheets and glaciers and their response to climate change;
- the role of sea ice in the atmosphere-ocean exchange of energy;

- the processes controlling snow accumulation, redistribution, and seasonal melting;
- the dynamics of permafrost systems.

[(vi) the biosphere and the oceans,including those of the Antarctica and the Arctic regions, as reservoirs or sinks, as well as ways and means of preserving and enhancing sinks and reservoirs and creating new ones.]

(vii) [economic and social] [development] processes, which contribute and react to climate change. Specifically, studies of how the climate system [influences and] is influenced by:

- [natural resource endowment;]
- economic growth, policies and practices;
- technology and practices in a wide range of sectors including energy, agriculture, forestry, transportation and industry; and
- social systems, policies and practices.

(c) Modelling and prediction. Prediction of the magnitude and rate of future climate change, including an identification and assessment of uncertainties, through the development and validation of integrated climate system models with enhanced [local and] regional [and national] resolution, social and economic models, and the links and feedbacks between climate change and social and economic processes [and development paths]. At a global [, and] regional [and national] scale, there is a need for [broadened and improved efforts related to]:

(i) [improved] representation within models of processes affecting climate;

(ii) evaluation of the predictability of climate;

(iii) comparison of model output with current observation, past records and transient climate parameters;

(iv) development of fully coupled climate models, which integrate the effects of changing atmospheric radiative properties with changes in physical, chemical, [and] biological [, hydrological, geological] processes [in solar cycles] and between the atmosphere, oceans and land, linked to social and economic models, and

(v) simulation of climate change based on different emission scenarios.

(d) Impact research. Research to [evaluate and to] develop methodologies for evaluating the local and regional [and national] impacts of climate change, and identifying the environmental, economic and social consequences. There is a need for an improved understanding of the impact of climate change on:

(i) natural terrestrial, aquatic and coastal ecosystems and resources. As a function of rate and magnitude of climate change, determining the sensitivity of:

- ecosystems (e.g., productivity, extent) to changes in temperature, hydrological system (e.g., groundwater, precipitation, soil moisture), atmospheric composition, and sea level;
- changes in stability and composition in ecosystems; and
- the biological diversity of marine life [in the oceans] including shifts in marine organisms.

(ii) agriculture, forestry and fisheries. Conducting regional studies of the impacts of climate change on:

- potential productivity of crops;
- the vulnerability of major crops and their varieties;
- the abundance and distribution of fisheries;
- socio-economics of changed transport, storage processing and marketing conditions.

(iii) water resources. Examining, on a regional basis, effects of changes in the hydrological cycle on:

- provision of drinking, irrigation and industrial water supplies;
- impact on agriculture [and]
[- inland navigation;]
- combined effects of climate change and land use changes on water resources;
- drought and desertification.

(iv) coastal environment

- sea level and temperature[s] [changes], and their subsequent regional impacts on geological and ecological processes, including coral and planktonic populations;
- the viability and quality of human settlements; and
- frequency and magnitude of marine disasters such as severe storms and storm surges and their impact on coastal structures.

(v) social systems and economics. Investigating the effects of changes in climate, weather, [and] sea level [and temperature] on:

- disease vectors, viability of pathogens, nutrition and other factors relevant to human health;
- the viability and quality of land use, human settlements, the built environment and all other aspects contributing to the quality of life;
- the economic, social and cultural consequences for societies, especially for [vulnerable small island countries] [those particularly vulnerable].

(e) Research to develop [response measures, including development of technology for the] [methodologies on the] mitigation of, and adaptation to, climate change, including for:

(i) examining options for reducing sources and/or increasing sinks of greenhouse gases and their potential precursors

- from energy, industrial, commercial, domestic and transport sources through studies of:
  - . technology options for low emission, high efficiency and alternative technologies, including biotechnology, biomass, wind and solar energy, and technologies for greenhouse gas fixation;
  - . applicability, cost and social factors affecting use of conventional and newly developed technology options;
- from forestry and agriculture through studies of:
  - . methods for reducing emissions and/or increasing sinks;
  - . applicability, cost and social factors affecting use of lower emission or enhanced sink practices;
- from oceans through studies of methods, costs and consequences of increasing oceanic uptake;

- by utilizing economic and other policy instruments; and
- through education and public information techniques.

(ii) Examining options for adapting to a changing climate of:

- natural terrestrial, aquatic and coastal ecosystems and resources;
- agriculture, forestry and fisheries;
- water resources;
- coastal environment; and
- social systems and economics.

(iii) Assessing the costs, benefits, and environmental and social consequences of mitigation and adaptation responses, including:

- as a function of the timing and magnitude of climate change;
- the direct and indirect links between responses and economic activity, [including eradication of poverty and trade]; and
- the distributional and other social implications of responses within and between countries and regions; and
- countries which are not in a position to use substitutes for fossil fuels or do not possess the flexibility to switch to non-fossil fuels.

(iv) Environmentally safe and sound technologies, practices and measures.]

[3. The Parties recognize the need to support existing international or intergovernmental programmes or organizations aiming at defining, conducting, assessing and/or financing research, development and systematic observation as described in paragraphs 1 and 2 of this Annex. In particular, the Parties acknowledge the following programmes and their subsidiary programmes, and organizations:

- Intergovernmental Panel on Climate Change (IPCC);
- World Climate Programme (WCP);
- International Geosphere-Biosphere Programme (IGBP).]

[POSSIBLE ALTERNATIVE TEXT FOR ANNEX I

1. The Parties recognize that the major scientific issues related to climate change are:

   (a) Understanding the interactions between changes in the climate system and the physical, chemical, biological, and geological processes in the atmosphere, oceans and land;

   (b) Understanding the impacts of climate change on ecosystems and social and economic systems;

   (c) Evaluating the methodologies for mitigating and adapting to climate change, including consideration of costs and benefits of such options.

   To resolve these problems, the active participation of all countries is required.

2. The Parties recognize, in accordance with Article V. 2. (Research [and Development] and Systematic Observation), the need to cooperate in the establishment of a global climatic observation system in using and developing existing networks of measurement, transmission, processing and data storage. In particular, it is necessary to undertake systematic observations in order to measure directly or indirectly:

   (a) <u>Atmospheric parameters</u>, including,

      (i) Greenhouse gases, aerosols and their possible precursors;

      (ii) Clouds, by type, amount, height, composition and optical properties;

      (iii) Precipitation, humidity, evaporation and water vapour, temperature, wind and radiative fields.

   (b) <u>Oceanic parameters</u>, including,

      (i) Ocean fluxes, particularly of heat and of greenhouse gases, aerosols, and their possible precursors between the ocean surface and atmosphere;

      (ii) Sea level, temperature, roughness, circulation, ice cover, chemical composition, biological activity and colour.

(c) Terrestrial parameters,

(i) Fluxes of heat and of greenhouse gases, aerosols, and their possible precursors between ecosystems and the atmosphere;

(ii) Extent, state and productivity of managed and unmanaged ecosystems;

(iii) Physical characteristics, such as temperature, albedo, roughness, soil parameters, snow, ice, permafrost, glaciers, lakes and rivers.

(d) Socio-economic parameters, including,

(i) Population dynamics;

(ii) Urban development;

(iii) Type, extent and variability of land use practices;

(iv) Economic variables including reserves of natural resources, and geographic characteristics of countries;

(v) Technology and practices in energy, forestry, agriculture, transport, hydrology, and industry;

(vi) Human health.

3. The Parties, in accordance with Article [V. 2.] (Research and Development and Systematic Observation), recognize the need to cooperate in conducting research and development in such areas as:

(a) Process research. Research of the coupled physical, chemical, biological, geological, economic and social processes that affect the Earth's climate system. There is a need for an improved understanding of the processes and development of methodologies governing:

(i) The sources and sinks of greenhouse gases, aerosols, and their precursors, which affect atmospheric concentrations and the possible impact of a climate change;

(ii) Atmospheric cycling of radiation, heat and water, with emphasis on cloud formation, dissipation and radiative properties, which influence

the response of the atmosphere to greenhouse forcing;

(iii) Oceans, which influence geographical distributions and the rate (pace) of the climate change.

(iv) The role of terrestrial systems in hydrological and ecological processes, which affect regional climate change and water availability;

(v) The cryosphere, particularly in polar regions, which affects global sea level changes and regional climate change; and

(vi) Economic and social processes, which contribute and react to climate change.

(b) Modelling and prediction. Prediction of the magnitude and rate of future climate change, including an assessment of uncertainties, through the development and validation of integrated climate system models with enhanced regional and national resolution, social and economic models, and the links and feedbacks between climate change and social and economic processes. At a global, regional and national scale, there is a need for:

(i) Improved representation within models of processes affecting climate;

(ii) Evaluation of the predictability of climate;

(iii) Comparison of model output with current observation;

(iv) Development of fully coupled climate models.

(c) Impacts. Evaluation of the local and regional impacts of climate change, and identifying the environmental, economic and social consequences. There is a need for an improved understanding of the impact of climate change on the following activities and fields:

(i) Natural terrestrial, aquatic and coastal ecosystems and resources;

(ii) Agriculture, forestry and fisheries;

(iii) Water resources;

(iv) Coastal environment;

(v) Social systems and economics.

(d) Development of methods for mitigation and adaptation to climate change. In particular:

(i) Examining options for reducing sources and/increasing sinks of greenhouse gases aerosols and their precursors;

(ii) Examining options for adapting to climate changes;

(iii) Development of technologies which are safe, rational and ecologically sound;

(iv) Assessing the costs, benefits, and environmental and social consequences of mitigation and adaptation responses.

4. The Parties recognize the particular needs of the developing countries in the following areas:

(a) Observation and data analysis.

(i) It is necessary to help them to increase their capacity to observations and data analysis;

(ii) Undertake systematic observations mentioned in sub-paragraphs (a) to (d) of paragraph 2:

(iii) Exchange observations with other countries, especially on a regional basis;

(iv) Process, locally and at a regional level, data in view to using it for their economic development and studying responses to mitigate and adapt themselves to climate change.

(b) Research and technological innovations.

The aim is simultaneously to, inter alia, promote sustainable development, reduce greenhouse gases emissions, increase the sinks and improve adaptive possibilities to climate changes. This concerns, in particular, the following sectors:

(i) Agriculture (reduction of soil carbon emissions, adaptation to drought, limitation of desertification, etc.);

(ii) Energy (promotion of bioenergy and other renewable energies, energy conservation etc.);

(iii) Forestry (reduction of pressure for deforestation, promotion of forestry for food, stabilization of agriculture); and

(iv) coastal zones and fisheries.

To meet these objectives, developing countries should be able to increase the means spent for:

- training and research;
- technological innovations and research, in cooperation with industrialized or developing countries.]

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CONSOLIDATED WORKING DOCUMENT*

Addendum

ANNEX

II. EXCHANGE OF INFORMATION
III. REPORTING

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* In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. The present addendum is thus an integral part of the whole document, an edited version of which will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

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[ANNEX II

EXCHANGE OF INFORMATION

[The Parties to the Convention shall exchange information [in accordance with [V. 3.] (Exchange of Information)] [relevant to the objectives of the Convention]. [The Parties recognize that cooperation under this Annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets and protection of confidential and proprietary information.] Such information shall include the following] [It is suggested that the exchange of information, in accordance with Article [V. 3.], include the following]:

1. **Scientific Information**

This includes information on:

(a) Planned and ongoing research programmes and activities, both governmental and private [, to the extent such information is available];

(b) Relevant scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere, the climate system, the oceans and the biosphere and of their susceptibility to change;

(c) Relevant unpublished data and results [, if available];

(d) The assessment of research results and recommendations for future research;

(e) Measures for strengthening and assisting in building national capacity of developing countries;

(f) [[Net] emission inventories including ambient concentrations, emission and removal rates, as well as net emissions, of greenhouse gases and the techniques for systematic observation of these variables] [Techniques for systematic observation of the rates of emission and uptake of greenhouse gases and of their net emissions]; and

(g) Methodologies for the development of [net] emission inventories.

2. **Technological, Technical and Socio-economic Information**

This includes information on:

(a) The availability, feasibility and costs of alternative technologies, and agricultural and forestry practices to reduce emissions and increase sequestration of greenhouse gases, as well as related planned and ongoing research, including appropriate information on relevant safe technologies and related equipment and their manuals and guides;

(b) The limitations involved in using such alternative technologies and agricultural and forestry practices;

(c) National strategies and programmes to mitigate and adapt to climate change, including actions taken, relevant socio-economic information and available assessments of effectiveness; and

(d) Relevant business and commercial activities [, when available].

3. **Legal Information**

This includes information on:

(a) National laws, administrative measures and legal research relevant to the objectives of the Convention;

(b) International agreements, including bilateral agreements, relevant to the objectives of the Convention; and

(c) Methods and terms of licensing and availability of patents relevant to alternative technologies and agricultural and forestry practices.]

[ANNEX III
REPORTING

1. [The manner in which, and content in which, such reports would be prepared, should be determined by the individual Party.] Reports submitted pursuant to Article [VII. 1.] (Reporting) [shall subject to paragraph 2, below] [may] contain [, inter alia,] the following information:

[(a) Description of national circumstances including, inter alia population, gross domestic product, land area, CO_2 emissions, CO_2 emissions per capita, relevant national laws [, policies] and administrative measures, [including the use of economic instruments];]

[(b) National inventories of [gross and where possible] [net] emissions of [main] greenhouse gases [and sinks] [prepared in accordance with internationally accepted methodologies] [covering all [main] greenhouse gases and greenhouse gas precursors and all sink enhancement and destruction];]

(c) [For developed country Parties,] [and developing country Parties] [measures] [national strategies] [policies] to mitigate and adapt to climate change [including a description of specific actions being taken or to be taken, with respect to each gas in each sector selected for action by the Party];

[(d) Current projections for annual levels of greenhouse gas emissions and sinks over a ten to twenty year planning horizon;]

(e) Measures taken in fulfilment of the [obligations] [specific commitments] under the Convention, [with particular attention to [reductions of emissions, transfer of financial resources and technology] [energy efficiency and conservation, new [and renewable] energy sources,] [mitigating the adverse consequences of climate change] [protection and enhancement of] sinks, [land use and management,] coastal zone management, transportation and industrial processes [and agriculture];]

[(f) Expected changes and trends in [net] emissions of [main] greenhouse gases [and sinks] [including estimates of the [net] effects of its actions on national [net] greenhouse gas emissions] [and sinks] [with particular reference to the achievement of any target established in the Convention];]

[(g) Contributions to the financial and technology transfer mechanism;]

[(h) For developing country Parties, projects for transfer of technology and financial resources to mitigate and adapt to climate change; [[need for and requirements of financial and technology transfer and] [estimated gross and incremental costs of projects;]

[(i) Effective measures in fulfilment of obligations and specific commitments relative to the provision of adequate, new and additional financial resources, and access to and transfer of environmentally sound technology on a preferential and non-commercial basis contributions to the financial mechanism of the convention and description of programmes for technological cooperation;]

[(j) Description of methodologies used in making its estimates;]

[(k) Efforts [,as appropriate,] to coordinate and harmonize measures to avoid trade distortions;]

(l) Relevant national research [and development] and systematic observation programmes and participation in international programmes;

(m) National [programmes] [measures] and international cooperation with regard to education, training and public awareness [and technology transfer];

[(n) Efforts to implement [obligations] [specific commitments] jointly with another Party or Parties;] and

(o) Such other actions as are relevant to the achievement of the objective of the Convention.

[2. Each industrialised country Party agrees to submit a national report including information on all the items listed in paragraph 1. It shall submit the report to the secretariat no later than one year after the date on which the Convention enters into force for it.

Each least developed country Party agrees to submit a national report including information on at least items (a) and (b) of paragraph 1. It shall submit the report to the secretariat no later than two years after the date on which the Convention enters into force for it.

Each other Parties agrees to submit a national report including information on all items listed in paragraph 1. It shall submit the report to the secretariat no late than two years after the date on which the Convention enters into force for it.]

[Possible additional text

3. Further, reports may, on a voluntary basis, identify proposed projects in need of investment (including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects) and an estimate of the costs and net greenhouse gas emission reduction associated therewith.]

Timing

4. Unless otherwise decided by the Conference of the Parties, reports to update the information contained in the first Report shall be submitted [within [two] [five] years of the date of submission of the first Report and biennially thereafter] [in a frequency that will vary in accordance with the level of CO_2 energy-related emissions per capita, and to be decided by the Conference of the Parties]. [Due account shall be taken of the differentiated [obligations] [capabilities and capacities] [capabilities and responsibilities.]

Confidential Information

5. A Party may designate [the following] [any] type[s] of information contained in its report as confidential[.][:]

[Possible alternative chapeau

A Party and the Advisory Committee on Implementation may agree that certain information contained in the report of that Party is confidential. Categories of confidential information include:]

[(a) information that is directly related to the national defence [and security] of that Party;

[(b) information that is of a proprietary commercial nature;]

(c) information the release of which would result [directly] in [significant] economic or commercial dislocation for that Party; or

[(d) such other information as [the Party believes is confidential] [agreed upon] [thought necessary by the Party] [by the Party and the Advisory Committee on Implementation].]]]

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Addendum

ANNEX

[IV.] ARBITRATION

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ANNEX IV

ARBITRATION

Article 1

Unless the Parties to a dispute otherwise agree, the arbitration referred to in Article [VII. 2.] (Alternative B) (Settlement of Disputes) of the Convention shall be conducted in accordance with the procedure set out in articles 2 to 17 below.

Article 2

The claimant party shall notify the secretariat of the reference of a dispute to arbitration pursuant to Article [VII. 2.] (Alternative B) (Settlement of Disputes) of the Convention. The notification shall state the subject matter of the arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which is at issue. The secretariat shall forward the information thus received to all Parties to the Convention or to the protocol concerned.

Article 3

1. In disputes between two parties, the Arbitral Tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator within two months of the notification referred to in Article 2 of this Annex and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one member of the Tribunal jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of either party, designate the chair within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the notification referred to in article 2 of this Annex the other party may inform the Secretary-General of the United Nations, who shall designate the other arbitrator within a further two months' period.

Article 5

The Arbitral Tribunal shall render its decision in accordance with international law, as well as the provisions of this Convention and any protocols concerned.

Article 6

Unless the parties to the dispute otherwise agree, the Arbitral tribunal shall determine its own procedure, ensuring that each Party has a full opportunity to be heard and to present its case.

Article 7

The parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, using all means at their disposal, shall:

a) provide it with all relevant documents, facilities and information; and
b) enable it when necessary to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the parties to the dispute in equal shares. The Tribunal shall keep a record of all the costs, and shall furnish a final statement thereof to the parties.

Article 10

Any Party to the Convention or, as the case may be, to a protocol thereto, that has an interest of a legal nature in the subject matter of the dispute that may be affected by the decision in the case, may intervene in the proceedings with the consent of the Tribunal.

Article 11

The Tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions both on procedure and substance of the Arbitral Tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The Tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time limit for a period which shall not exceed a further five months.

Article 15

The final decision of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any members of the Tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The final decision shall be binding on the parties to the dispute and without appeal unless the parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the parties to the dispute.

Article 17

Any controversy that may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the Arbitral Tribunal which rendered it.

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Addendum

ANNEX

[V.] INSURANCE MECHANISM

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[ANNEX V

INSURANCE MECHANISM

1. The Parties recognize that:

   (a) There should be established, as an integral part of the Convention, an International Climate Fund to finance measures to counter the adverse consequences of climate change, and a separate International Insurance Pool (hereinafter referred to as "the Pool") to provide financial insurance against the consequences of sea level rise;

   (b) Revenue for the Pool should be drawn from mandatory sources, in particular developed country assessments;

   (c) The financial resources of the Pool should be new, additional and adequate;

   (d) The Pool should be under the control and direction of the Conference of the Parties;

   (e) The resources of the Pool should be used to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sea level rise.

2. The Parties further recognize that the formulation of a scheme for a Pool involves consideration of the following main questions:

   - Methods of funding a Pool;

   - Classification of the types of loss to be covered by the Pool;

   - Criteria for establishing entitlement to claim against the Pool;

- Methods of evaluating loss resulting from sea level rise; and

- Limitations on the amount of compensation payable by the Pool.

3. The Parties accordingly agree as follows:

(a) The financial burden of loss and damage suffered by the most vulnerable small island and low-lying developing countries (hereinafter referred to as "Group 1 countries") as a result of sea level rise shall be distributed in an equitable manner amongst the industrialized developed countries (hereinafter referred to as "Group 2 countries") by means of a Pool;

(b) The Pool shall be funded by contributions levied on Group 2 countries;

(c) The administrating authority for the scheme (hereinafter referred to as "the Authority") shall be a body controlled on an equitable basis by the Group 1 and Group 2 countries within the framework of the Conference of the Parties;

(d) The contributions referred to in paragraph 2 shall be calculated according to a formula modelled on the 1963 Brussels Supplementary Convention on Third Party Liability in the Field of Nuclear Energy, as follows:

(i) As to 50%, on the basis of the ratio between the gross national product at current prices of each Group 2 country and the total of the gross national products of all Group 2 countries in the year prior to the year in which the contribution was levied (hereinafter referred to as "the contribution year");

(ii) as to 50%, on the basis of the ratio between the total emissions of CO_2 of each Group 2 country and the total CO_2 emissions of all Group 2 countries in the year prior to the contribution year;

(e) Ten years from the date on which the Convention enters into force the Group 2 countries shall contribute to the Pool an agreed percentage of the total of the gross national products of all Group 2 countries in the year prior to the contribution year, apportioned as in paragraph 4, provided that over the ten year period the rate of global mean sea level rise will have reached an agreed figure. If the rate of global mean sea level rise has not reached the agreed figure by the end of the ten year period, a review shall thereafter be carried out at five-yearly intervals and the obligation of the Group 2 countries to contribute to the Pool will not arise until the year following the review in which it is established to the satisfaction of the Authority that the rate of global mean sea level rise has reached the agreed figure or that absolute global mean sea level rise has reached an agreed figure;

(f) The insurance fund so constituted shall be invested by the Authority in interest bearing securities as determined by the Conference of the Parties;

(g) No right to claim against the Pool in respect of loss or damage in any area of a Group 1 country shall arise until:

(i) It shall have been established to the satisfaction of the Authority that the rate of global mean sea level rise and the absolute level of global mean sea level rise has reached agreed figures;

(ii) It shall have been established to the satisfaction of the Authority that the relative mean sea level rise for any insured area in a Group 1 country has reached an agreed level above base levels determined for each area insured (such relative mean sea level figures having been determined within ten years of the Convention coming into force); and

(iii) One year shall have elapsed from the date upon which the figures referred to in sub-paragraph (i) shall have been established as having been reached (that date plus one year being (hereinafter referred to as "the inception date").

(h) In the first instance those areas of Group 1 countries which would be directly affected by sea level rise to a level of an agreed number of centimetres above the base levels referred to in paragraph (g) (ii) shall be valued for insurance. Marketed assets shall be valued on the basis of gross domestic product for the insured area in question. Non-marketed interests shall be valued on the basis of formulae to be agreed;

(i) The insured values covered shall be negotiated between the Authority and the Government of each Group 1 country in accordance with valuation principles to be agreed. The same policy conditions shall be applicable to all Group 1 countries;

(j) All assets and interests intended to be insured under the scheme shall be listed by Group 1 countries for registration with the Authority. Records of assets and interests registered shall be kept up to date. Valuations of assets and interests registered for insurance shall be carried out in accordance with the agreed formulae and shall be assessed as soon as possible after the setting up of the Authority and in any event within ten years of the Convention coming into force. Revaluations shall be carried out periodically as appropriate;

(k) The first period of insurance shall commence on the inception date as defined in paragraph (g) (iii) and shall cover an agreed period following the inception date. Loss or damage occurring within the first and each following period of insurance, if accepted as a valid claim by the Authority, shall be paid out of the Pool as accumulated at the closing date of the period of insurance;

(l) If the funds in the Pool are insufficient to meet all valid claims, the claims shall be paid out on an equitable basis. If, after payment out of all valid claims in full, any surplus shall remain in the Pool, the surplus shall be carried over to the credit of the following insurance period;

(m) Prior to the closing date of the first period of insurance and of each subsequent period, the Conference of the Parties shall, after consultation with the Authority:

(i) Fix the length of the next period of insurance;

(ii) Estimate the probable extent of claims on the Pool during the next insurance period;

(iii) Determine the level of contributions to be levied on Group 2 countries sufficient to meet the estimated claims, after taking account of any surplus carried forward from the preceding period.

(n) Claims against the Pool in respect of insured assets and interests shall be dealt with by the Authority. The Authority shall investigate the cause of any claimed loss, prepare estimates, determine whether the claim comes within the terms of the insurance, evaluate the extent of loss and assess the amount of the claim recoverable by reference to the insured value of the asset or interest and any applicable limits;

(o) All assets in insured areas of Group 1 countries, whether commercially insured or not, shall in the first instance be valued for insurance, but no claims shall be accepted by the Pool in respect of property which at the time loss or damage occurs is insured commercially, whether by a private insurance company or otherwise;

(p) In assessing claims against the Pool, the Authority shall determine whether the loss or damage claimed could have been avoided or mitigated by measures which might reasonably have been taken at an earlier stage. In determining whether measures could or could not reasonably have been taken at an earlier stage, account shall be taken, amongst other things, of the availability of funds, both domestic and international, which would have enabled mitigating or preventative measures to have been taken, and the availability of commercial insurance on reasonable terms;

(q) If differences of opinion arise between the Authority and the participating countries, every effort shall be made to negotiate a resolution, but if this is not achievable disputes shall be submitted to [an] [the] arbitration tribunal under [a special arbitration scheme] [the Convention].]

ANNEX III

JOINT STATEMENT OF THE GROUP OF 77
MADE BY ITS CHAIRMAN GHANA AT THE FOURTH SESSION OF THE
INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A
FRAMEWORK CONVENTION ON CLIMATE CHANGE
GENEVA, (9 - 20 DECEMBER 1991)

Mr. Co-chair,

On behalf of the Group of 77 and China, I would like to make a statement which sets out certain elements which should be incorporated in the text on the Principles of this Convention, it being understood that this is without prejudice to the right of each delegation member of this group to articulate further more specific formulations on the elements dealt with here as well as to propose additional elements both individually and collectively. I would also request on behalf of the group that this statement be circulated as a text of this session of the INC.

2. I will now read out the elements for incorporation.

(a) The principle of the sovereignty of States shall be adhered to and strictly respected in all fields of international cooperation, including that for protection of the global climate.

(b) The right to development is an inalienable human right. All peoples have an equal right in matters relating to living standards. Economic development is the prerequisite for adopting measures to address climate change. The net emissions of developing countries must grow to meet their social and economic development needs.

(c) Protection of the global climate against human induced change should proceed in an integrated manner with economic development in the light of the specific conditions of each country, without prejudice to the socio-economic development of developing countries. Measures to guard against climate change should be integrated into national development programmes taking into account that environmental standards valid for developed countries may have inappropriate and unwarranted social and economic costs in developing countries.

(d) All States have an obligation to protect the climate for the benefit of present and future generations of mankind on the basis of intra-generational as well as inter-generational equity. This obligation shall be carried out with different time frames for implementation in accordance with common but differentiated responsibilities and capabilities between developing and developed countries and taking fully into account that the largest part of emissions of greenhouse gases have been originating from developed countries and those countries have the main responsibility in combating climate change and the adverse effects thereof.

(e) The Parties shall give full consideration to the specific needs and special circumstances of developing country Parties, especially those developing countries that are particularly vulnerable to the adverse consequences of climate change and also those developing countries which would have to bear a disproportionate or abnormal burden under the Convention.

(f) In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

(g) The need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment including climate protection.

In this context new, adequate, and additional financial resources and transfers of and access to environmentally safe and sound technology on most favourable, concessional, and preferential terms shall have to be channelled to developing countries in order to enable their full participation in global efforts for the protection of the climate.

States shall promote an open and balanced multilateral trading system. Except on the basis of a decision by the Conference of Parties no country or group of countries shall introduce barriers to trade on the basis of claims related to climate change.

3. Mr. Co-Chair, the issues of economic development and equity are vital for the conclusion of a Convention in which the developing countries can participate. Prospects for arriving at a consensus depend upon these factors being given the importance they deserve to arrive at a balanced result. The developing countries cannot be expected to accept any formulation which would institutionally help perpetuate, however well intentioned the motives of some parties, the present economic disparity amongst the members of the international community.

I thank you, Mr. Co-Chair.

U.S. Statement on General Commitments
INC Fourth Session,
Geneva, December 11, 1991

Thank you very much, Mr Chairman.

We have a number of comments on this section. I would like to make a few general comments before I comment on specific paragraphs.

I think first we must try to organize this material. This has relevance also to the discussions we have been having on the earlier material on the preamble and on principles. There is a basic threshold question: What kind of a convention are we working toward here? Although we have many different ideas, broadly speaking we can say they seem to point in either of two directions. Either toward a rather specific, quantitative, legally binding convention, with obligations that have rather major political and economic implications, or on on the other hand, toward a convention of a more general nature, a framework convention that is a flexible instrument establishing an evolutionary process for developing the most comprehensive and effective global response over the longer term.

Time is limited, Mr. Chairman, and it is apparent from the discussions we have had so far this week, as well as the discussions we have had in previous sessions, that there are some fairly significant differences among the countries represented here. We favor the latter approach, because we think that it is most probably what is reasonably achievable in the limited time available, and is likely to achieve the broadest possible participation of countries in pursuit of an objective that must be inclusive of the largest number of countries. I should say that in our view the emphasis should be on actions, on measures. These are what will lead to the reduction of greenhouse gas emissions, to the enhancement and preservation of sinks, to adaptation to climate change (and I think we all understand that there is likely to be some climate change), and to cooperation in a global partnership between developed and developing countries. We must clearly recognize the different circumstances of different countries -- and that there are several categories of countries in this respect.

Now, with regard to the text itself, we see here perhaps five broad areas of commitments, or types of commitments.

* First, we see a commitment to develop some assessment of current emissions (that is to say, of the specific situation of each country). This is clearly needed so that we have a picture of what the global situation is. The data available today is not complete, is not reliable. That must be a first objective. We must all make commitments to do what we can in that regard.

* Second, there needs to be a commitment to the preparation of some sort of national response. It can be some kind of a plan in a broad sense, or rather, a pragmatic description of the national approach. I was struck by a number of things mentioned by the European Community in this regard.

* Third, there needs to be language on commitments with regard to cooperation in the area of scientifc research, monitoring, and the sharing of information.

* Fourth, commitments, not only on a national basis, but also on an international basis, aimed at enhancing public information and awareness. We need to have the broad understanding and support of the general public. Governments can do only so much. It is only when the public understands and joins in the effort we are trying to create here that we will have real success.

* Finally, Mr. Chairman, we need to look at cooperation in the area of technology and financial assistance. We have done some work just to try to get a picture of what we in the United States are doing in the area of technology cooperation and have found from a rather incomplete view (just to find some examples, looking at some countries -- not all countries, some agencies within the United States government -- not all agencies) to illustrate what kinds of activities are currently being carried out by parts of the United States government in the area of technology cooperation. We have a small publication that describes this initial effort which will be made available to all delegations within the next day or so.

Specific Comments on the Text:

Title:
Rename "General Commitments"

Chapeau:
Delete "responsibilities" and change to "their capabilities." Capabilities imply responsibilities.

Paragraph 1:
I agree with EC that we need to set some objective to agree on this methodology; it must be agreed. Whether we will be capable of agreeing to it by the first Meeting of the Parties, I think we should be flexible on that; we should make an effort to do so. We should realize that there are complex technical issues that are still unresolved, and allow ourselves the possibility to seek to reach agreement by then, but to continue to do work on the methodology. It will need to be refined over a number of years.

Paragraph 2:
This is the key paragraph, because it lays out a way for all countries, in principle, to participate in the global effort. Here we see (with the EC) the importance of developing an annex that would go into some detail regarding the contents, format and methodology for preparation of such documents. We note that there seem to be different references for what we should call them -- plans, strategies, reports -- and we can be flexible on that. They should be documents that serve as a very useful tool, not only to national governments, but on an international basis, for cooperation, for constructive sharing of information. They should cover such things as energy and industry -- and there, not only sources of emissions, but also plans for adaptation of those sectors to possible climate change. They should cover forests and agriculture, with respect to sources, sinks and adaptation measures. They should cover coastal zones -- again, sources, sinks and adaptation. And other resources, including sinks. They should also cover efforts undertaken with other countries to cooperate -- both technical and financial -- to make it clear that what we want to do is give incentives for the broadest, most cost-effective effort. All efforts to join countries together toward our common objective should be encouraged.

With respect to the specific text, we would recommend that it begin by referencing the article on reporting and the annex that would have to be developed (see attached text). Countries should be asked to prepare (and not only to prepare, but to update on a regular basis to be agreed upon by the parties) national or regional measures, programs, policies and/or strategies which in the view of

the particular party or group of parties, are necessary with regard to the limitation of greenhouse gas emissions, conservation and enhancement of sinks, and mitigation of adverse effects of climate change, including (and here I don't think we need to be restricted to preventative measures) all measures which can also be beneficial for reasons other than climate change.

The last sentence of paragraph 2, and paragraph 3, paragraph 4 and paragraph 5 all cover more specific details that we think could be treated in a balanced way in the annex referred to. Indeed, we can examine many different measures, and list them as measures to be considered for inclusion in national plans - for example, measures related to promoting energy conservation, and so forth, as noted.

Paragraph 4.

This paragraph is a bit too detailed, and has a bit too much emphasis on forests only; we need to look at other terrestrial sinks (forests are not the only important terrestrial sinks) as well as other non-terrestrial sinks. We understand that Finland has done some important work in this area and we look forward to working with them as well as with other countries, particulalry developing countries, who have an interest in this area of our work, with the idea that we would develop a balanced and mututally acceptable list of items to be considered for inclusion in such national plans.

Paragraph 5

This is an important item for inclusion, but we note that all parties are not likely to have large coastal areas. Therefore, we recommend changing the language to read: "Develop, <u>as appropriate</u>, national coastal zone management plans, emergency procedures and response mechanisms, and water resource and agriculture management plans, and undertake assessments of the resilience and adaptability of resources." Note that we suggest that "plans" be plural; there is probably more than one plan, depending on various aspects of coastal zone management. We also recommend deleting mention of the ocean observing network here; this concept belongs more properly under the science provisions which we will come to later.

Paragraph 6.

This refers to the important concept of environmental assessment. We support this concept very much, but think it properly belongs in the modification of paragraph 2 where we are talking about the preparation of these plans and the update of these plans (see attached text). The first part of the paragraph is unecessary.

Paragraph 7 & 8

These are important; however, they relate in particular to work being done in WG II on mechanisms. We are quite comfortable with the content, and we would hope that these two paragraphs can be integrated with the work being done in WG II so that the commitment and the mechanisms referred to here can be agreed on by most of us.

Note that in paragraph 7, we need to talk about "cooperating in research and systematic observations and information exchange" and we might refer to specific appropriate articles.

In paragraph 8, we do not need to refer to the "development of additional scientific research" but rather, we can directly "promote additional scientific research and exchange of information on the role of soils, forests, oceans and seas as sources, sinks and reservoirs for greenhouse gases." We should not neglect these items as sources as well as sinks and reservoirs.

Paragraph 9

This paragraph is also being treated in WG II; we should make some attempt at harmonizing the text.

Paragraph 10.

Not particularly helpful. Not as specific as a number of other provisions. We think that the concepts are better covered elsewhere.

Paragraph 11

These things will occur as we gain experience on a national basis, and compare and share our experiences through the national plan process that we would see being created by paragraph 2. We might draw on some of the concepts here in examining what we do when we all come together having submitted these national plans, or lists of measures. Perhaps somewhere in that part of the process, we could introduce some of these concepts.

Section IV.2

In light of the above comments, we do not see how this section contributes much. Basically what is described in these two paragraphs can adequately be covered in the earlier paragraphs, as well as in the annex which would be developed to describe the creation of the national reports or plans.

All of this, Mr. Chariman, is obviously directly related to further comitments, particularly in the area of financial resources and technology transfer. I will wait until we come to those sections to elaborate further on how those relate to what I have just described.

Thank you.

Proposed Text

IV.1. General Commitments

In pursuance of the above global objective, the Parties shall commit themselves to cooperate in accordance with the means at their disposal and their capabilities to:

1. Develop and periodically update public national inventories of sources and sinks of greenhouse gases using a methodology to be agreed to at the First Meeting of Parties.

2. In accordance with Article ___ (on reporting) and Annex ___, prepare and update national or regional measures, programs, policies and/or strategies as in the view of the particular Party are necessary, taking into account possible significant adverse social, health, economic and environmental effects and risks, with regard to the limitation of greenhouse gas emissions, conservation and enhancement of sinks and mitigation of adverse effects of climate change, including measures which can also be beneficial for reasons other than climate change.

MATERIAL IN PARAGRAPHS 3 TO 6 BELONG IN ANNEX.

PARAGRAPHS 7, 8 AND 9 CAN BE RETAINED, BUT SHOULD BE COORDINATED WITH WORKING GROUP II.

PARAGRAPHS 10 AND 11, AND ALL OF SECTION IV.2 SHOULD BE DELETED.

U.S. STATEMENT ON SPECIFIC COMMITMENTS

INC FOURTH SESSION
December 13, 1991
Geneva

Thank you very much, Mr. Chairman. We are pleased to present our views at this time.

My comments on this section are closely linked to my comments made on Wednesday concerning the previous sections. In this regard, may I also remind delegates of my remarks at Nairobi in our last session regarding commitments on sources and sinks. In that statement, I outlined a number of reasons why the United States cannot agree to specific quantitative targets and timetables regarding reductions of greenhouse gas emissions. Our position has not changed, because the reasons explained at that time are still in our view valid. Thus, we cannot agree to paragraphs 1 and 2 in the text that was distributed earlier.

We take note of the text just developed by the bureau. It has some interesting concepts in it, and we will study it closely, but in light of the remarks which I made earlier. We will also study very closely the proposal made by the European Community, which also has some interesting ideas in it. We are particularly appreciative of their recognition of the importance of methane, as we have emphasized for some time the importance of looking at all greenhouse gases, all sources and sinks.

One of our problems with the approach that is presented in paragraphs 1 and 2 -- in addition to the points noted my intervention in the September session -- is that it divides the world into two groups, with all members of each group being treated alike and with very different treatment between the two groups. With all due respect to my Indian colleague and some other delegates who have intervened and emphasized this two-group division of the world, there are several different groups of countries with rather different situations, and sometimes significant differences within groups. We need an approach that can accommodate these differences in the most flexible way, encouraging responses from all countries in accordance with their circumstances and capabilities.

In our view, the substance of paragraphs 1 and 2 can be treated in the context of the national plans, which were discussed under section chapter IV.1 the other day.

With respect to paragraph 3, we think this is an important concept, and we think it should be broadened. We would suggest the following changes: First, in line 1 we would change "countries" to "parties", since we are referring here to parties. In the beginning of line 2, we would delete the word "emission", because in fact we should cooperate in

implementing all commitments. At the end of line 5, we would suggest changing "net reductions in emissions" to "result". And finally, at the end of the paragraph, we would suggest deleting the phrase "and criteria approved by the parties."

Clearly, Mr. Chairman, if we get into specific quantitative obligations in the latter stages of our continually-evolving response to climate change, we will need to pay close attention to how accounting is done with respect to those commitments. In our view we are not at that stage, and we see some difficulty in developing precise criteria for rather broad cooperation of the type we would envisage in this paragraph.

The United States is committed to take action on climate change. Last February, we publicly indicated our first step -- those actions already committed for other reasons which were also identified at that time as contributing to efforts regarding climate change.

We are now studying what further measures can be identified for inclusion in our first national climate action plan, to be submitted under the convention. And, if we agree to this approach, the United States anticipates sharing our preliminary conclusions, regarding such measures, with other countries in the context of these negotiations.

These measures, these actions, will include:

- federal government measures, both legislative and administrative;
- state government measures;
- private-sector measures; and
- measures undertaken in cooperation with other countries.

We will quantify the results of these actions, relying on the best science available. And we believe the results will be quite significant in terms of limiting net greenhouse gas emissions, supporting adaptation, and assisting other countries in doing the same.

As I said in earlier remarks, it is actions which will limit emissions and meet other objectives of the convention. In this context, we applaud the Brazilian actions which were referred to earlier in this session. These are excellent examples of the kinds of actions which individual countries may undertake in support of these objectives.

As an indication of our commitment to such actions, the United States is prepared to put forward our draft national climate action plan for public consideration within one year after signing the framework convention in Rio next June. This is far in advance of the date for submission which would be specified in the convention. We invite all other industrialized countries to do the same.

Thank you very much, Mr. Chairman.

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Statement

by Prof. Dr Ansgar O. Vogel

**Federal Ministry for the Environment,
Nature Protection and Nuclear Safety
Germany**

4th Session of the INC

Geneva, 9 - 20 December 1991

Working Group I

- Specific Commitments -

12 December 1991

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Mister Co-chairman,

Germany holds the view - as pointed out already several times - that the global problems of climate change really demand commitments by all Contracting Parties to the Convention. In our conviction, it is necessary to have general commitments for all countries, and in addition to that specific commitments for groups of countries, especially the industrialized countries. We therefore fully endorse the statement presented earlier by the delegation of the Netherlands on behalf of the European Community and its Member States. Let me just give some additional remarks:

1. As you might recall, a year ago, the German Government has set the target to reduce CO_2 emissions in Germany by 25 - 30 per cent until the year 2005, on the basis of 1987 emissions. Yesterday, the German Council of Ministers dealt with the matter again and took another decision on the issue. On the basis of a whole year of scientific, technical and economic analysis and assessment, they confirmed the former decision. In addition, they decided upon further concrete measures for implementation.

2. In view of the global nature of climate change a single country cannot successfully tackle the problem: global cooperation is indispensable. Given the current increase in global emissions, Germany's intended 25 - 30% reduction would be compensated for in just a few months.

We should think and act globally also when implementing the commitments of the Convention. Germany therefore would like to present to you our ideas for a joint implementation of commitments through an international crediting system to be established by the Convention and its protocols. The basic requirements of the system are the following:

a). Each Contracting Party shall have to implement a certain and specified share of the reductions it has itself committed to through measures taken on its own territory.

b) A Contracting Party can meet the remaining part of its reduction obligations in cooperation with another Party by taking measures to reduce emissions on the other Party's territory. With regard to the actual scientific situation, we do not suggest to credit measures on sinks.

c) It should be carefully discussed to what extent the reduction result achieved by investment abroad is to be credited to the investor country. As it is considerably more cost-effective to reach a given reduction result in a developing country or a country with an economy in transition, a certain discount could be considered. Instead of, for example, 1000 tons of CO_2 reduction achieved abroad only 900 or 800 or less could be credited to the investor country. A sure winner in this game of overachievement is the world's climate!

d) The Conference of the Parties should establish the framework, criteria and modalities of such a possibility for joint implementation through a crediting system.

In particular, many developing countries and countries with economies in transition have very high reduction potentials. Therefore with relatively low investments rather significant reduction results can be achieved. Crediting these reductions to investor countries will certainly make it attractive to the investor countries to invest there.

The advantage of this system for developing countries and countries with economics in transition will be that modern technologies will be tranferred to these countries. That will give incentives to further social, economic and environmental development.

I am fully aware that many details of this crediting system need further discussions and deliberations.

As more food for thought you will find some further information in an annex to my written statement which I'm happy to make available to the Bureau, the Secretariat and all interested delegations.

FEDERAL REPUBLIC OF GERMANY

12 December 1991
(FINAL)

JOINT IMPLEMENTATION OF COMMITMENTS CONTAINED IN A GLOBAL CLIMATE CONVENTION (Emission Reduction Crediting System)

I. POINT OF DEPARTURE

The dramatic climate changes to be expected due to the increase in anthropogenic greenhouse gas emissions represent a global threat and challenge. Therefore relevant world-wide strategies for a solution are required which can only be achieved by cooperation among all countries. The negotiations conducted by the Intergovernmental Negotiating Committee on Climate Change (INC) aim at achieving a global climate convention:

1 - The Federal Republic of Germany holds the view that this convention must contain clear and concrete commitments for limiting greenhouse gases and, as an initial step, the commitment to stabilize CO2 emissions by the year 2000 (as compared to 1990).

The industrialised countries, having been the main emittors up to now, must declare themselves ready to take drastic measures to reduce CO2 in order to implement this commitment. The developing countries ought to strive for improving both their energy efficiency and a more rational use of energy.

2 - These obligations to be laid down in the convention shall have to be implemented by national strategy concepts and concrete measures. The global character of the climate-related problem suggests that the parties to the convention also cooperate closely when they implement these commitments in order to make as effective and efficient use of the limited resources as possible.

II. JOINT IMPLEMENTATION OF NATIONAL REDUCTION OBLIGATIONS BY A CREDITING SYSTEM

Therefore the climate convention ought to contain regulations and mechanisms in order to allow cooperation of the parties to the convention to jointly implement their national commitments. It shall be up to the parties to decide in which way they jointly fulfil the commitment (e.g. by international cooperation of industries).

The following basic requirements for a crediting system must be expected to be laid down:

1 - Each party to the convention shall have to implement a specified share of its reduction commitment by measures in its own country.

This is necessary in order to further develop the state of the art for the reduction of greenhouse gas emissions at a national level and in order to maintain in this way the necessary incentives for technological innovation.

2 - A party to the convention can moreover meet its remaining reduction obligations in cooperation with another party of the convention by taking measures to reduce emissions there. Parties to the convention with high marginal costs for national measures can thus choose implementation measures in countries with a greater potential of cost-effective measures. In particular, developing countries and countries with economies in transition probably have a high potential in this area. A crediting strategy opens up additional possibilities for these countries to work together with industrialised countries, thus leading both to a trend towards closing the technology deficit by means of increased transfer of technology and also to an increased flow of capital. These countries thereby receive a free contribution to reducing their environmental pollution, to increasing their energy efficiency and to offsetting their balance of payments.

Since the possibilities for reduction are considerably more cost-effecitve of the investing state if a crediting model is used, it could be considered to demand a certain degree of over-achievement so that the reduction effect achieved is calculated on the basis of a given differentiated deduction scale.

The net reduction effect brought about by joint implementation (e.g. the difference in levels of emissions before and after the retrofitting a power plant) is to be attributed to the investing country or countries. This effect is to be deducted from their national commitments arising from the climate convention on the basis both of the joint agreement and the criteria set by the parties to the convention.

The incentive for national investors to implement measures of this kind in other countries lies in the fact that they can offset their investment costs with existing obligations in their own country.

A strategy of joint implementation then does justice to the interests of the cooperating parties and is therefore an expression of a strengthened and equal partnership.

III. INSTITUTIONAL FRAMEWORK

1 - The parties to the convention set the criteria for the joint implementation of national commitments from a climate convention by means of provisions contained in the convention or its protocols, including

- the definition of possible projects
- criteria for assessment and crediting
- institutional framework, in particular procedures for implementation and review.

2 - Within the framework of the conditions laid down in the convention the joint realisation requires a contractual agreement between the partners.

INTERVENTION BY CANADA
to the
INC Plenary on
Consideration, Integration & Completion of Texts

December 16, 1991

Thank you, Mr, Chairman.

My delegation came to Geneva with a clear objective - to negotiate a substantive and effective framework convention on climate change.

These negotiations were launched for a very simple reason - the international community faces a serious environmental and developmental problem - the spectre of global climate change. This is not to suggest that countries must forego their economic development prospects. Just as we would not accept such a constraint on ourselves, we would not expect others to do so. However, the <u>way</u> in which we develop has to change so that we are more efficient and consume less of the Earth's capital. In short, development must be sustainable.

If you will allow me, Mr. Chairman, I would like to say a few words about the kind of convention that Canada hopes to sign in 1992. To be bound by classical definitions of what constitutes a framework convention would not be appropriate. As negotiators we have the power, and the responsibility, to craft an instrument that is appropriate to our needs. For Canada, a convention that is little more than an empty shell would <u>not</u> meet these needs. We are seeking a convention that must be characterized by vision and pragmatism:

- the vision to commit ourselves now, as trustees for the future, to take effective measures to prevent dangerous human-induced interference with climate and promote prosperous and sustainable economies; and

- the pragmatism to bind ourselves to commitments to limit net greenhouse gas emissions, including the maintenance and enhancement of sinks and reservoirs, based on a phased and flexible approach commensurate with our understanding of climate change.

Such a convention should include the following key elements:

1. a common commitment by all Parties to undertake without undue delay, in accordance with their capabilities, the means at their disposal and their local and regional conditions, suitable measures for the effective limitation of net emissions of all greenhouse gases.

2. specific commitments on targets and schedules for limiting net emissions of greenhouse gases - as measured in accordance with internationally agreed methodologies. In this regard, we see stabilization of emissions as a prudent first step, with industrialized countries taking the leading role.

3. commitments on adequate and additional financial resources and transfer of technology to developing countries to meet the agreed incremental costs of implementing their obligations. The corollary of this, of course, is that if developing countries have no obligations in this convention, then funding provisions too will have to await future negotiation of protocols.

4. the institutional framework to enable the international community to manage the climate change problem in the long-term. This would include mechanisms to review the state of scientific knowledge and, in light of this, to assess the adequacy of the commitments undertaken to meet the objective of the convention.

Mr. Chairman, we would like to thank you for your helpful proposal on the structure of the integrated convention text. We think it is an appropriate way to meet the requirements I have just described and offer our enthusiastic support.

During the past week we have, at long last, begun to come to grips with how we are to formulate the fundamental elements of our convention; that is the commitments we are all prepared to make in the medium and longer term to protect the climate. There has been a measure of progress but differences are still wide on certain key issues. The vision and pragmatism necessary to achieve our goal of a effective convention has not always been apparent. There is still a great deal to do if we are to emerge from this session with a single working document.

We think it is imperative that delegations leave Geneva at the end of this week with such an integrated text and with agreement on how we will deal with that text in New York. We look forward to hearing your proposals in this regard.

In summary, Mr. Chairman, let me say that we have all invested a tremendous amount of time and energy in these negotiations. Ways must be found to negotiate our way through the two or three fundamental issues. If we can do that, I am confident that solutions on the other issues will quickly fall into place.

Thank you.

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STATEMENT ON COMMITMENTS SUBMITTED BY THE DELEGATION OF THE REPUBLIC OF VANUATU ON BEHALF OF THE ALLIANCE OF SMALL ISLAND STATES TO WORKING GROUP I AT THE FOURTH MEETING OF THE INC

Mr. Co-Chairman:

We have the honour of submitting, on behalf of the Alliance of Small Island States (AOSIS), this statement setting forth certain elements which AOSIS believes should form the basis of the provisions of the Convention relating to Commitments.

We had hoped to join in a statement on this subject which would have been made by the delegation of Ghana on behalf of the Group of 77. Regrettably, but through no fault of the Chairman of the Group of 77 who laboured tirelessly to promote such a statement, no such statement can be made at this time.

We feel that it is unfortunate. However, these negotiations are far too important to allow further delay in the necessary dialogue which we hope will result in an effective framework convention to confront mankind's most severe challenge.

We commend the Co-chair's text and applaud the laudable efforts you and your colleague have made to point the Working Group in the right direction. We take this opportunity to set forth a few items we feel are of major importance. Thus, we propose the following:

I. The Parties shall, in accordance with the Objectives and Principles stated in the Convention, and in accordance with their common but differentiated responsibilities, taking into account their specific national and regional development priorities and objectives:

(a) Develop national or regional inventories of sources and sinks of Greenhouse Gases, as well as activities within their jurisdiction or control that affect or are likely to affect the climate, and to update these on a regular basis;

(b) Implement national action plans, on the basis of information compiled under the Convention, aimed at reducing the effects of human activities on the climate and submit such plans in accordance with criteria established by the Conference of the Parties.

(c) Perform environmental impact assessments with respect to projects, programmes and policies within their jurisdiction or control including, inter alia, those on energy generation, transport, and land use, to ascertain whether such activities are likely to have an adverse impact on climate;

(d) Conduct research aimed at promoting technologies and practices that minimize the effects of human activity on climate and allow human society to adapt to and mitigate the adverse consequences of climate change;

(e) Cooperate with other Parties and with relevant international and intergovernmental organisations to ensure:

(i) effective implementation of the Convention,

(ii) the sharing of and free access to information,

(iii) systematic observation,

(iv) the coordination of research,

(v) effective national, regional and global strategies for responding to climate change;

(f) Promote public education and awareness of causes and consequences of climate change and actions that can be taken by individuals;

(g) Preserve, protect and enhance all sinks and reservoirs of greenhouse gases, in particular carbon dioxide, within their territorial jurisdiction.

II. Developed country parties shall, in accordance with the Objectives and Principles as provided in Articles ( )

(a) Stabilize their emissions of carbon dioxide, and other Greenhouse Gases as appropriate:

(i) by the year 1995 at 1990 levels; or

(ii) by such earlier time and at such lower level as may be agreed by the Conference of the Parties, acting on the basis of the best available scientific evidence and in accordance with the Principles established under this Convention;

(b) Reduce emissions of carbon dioxide, and other Greenhouse Gases as appropriate, on a timetable agreed by the Conference of the Parties, designed to achieve the objective of the Convention;

(c) Undertake measures to mitigate the adverse consequences of climate change, including risk assessment, implementation of energy conservation and efficiency, and the development of new, safe and renewable energy sources;

(d) Remit annual assessments and contributions to an International Climate Fund, representing new, additional and adequate financial resources that will not impact on existing multilateral or bilateral financial assistance arrangements, to provide financial assistance to developing country Parties to enable them to meet their obligations under this Convention, and to mitigate and adapt to the adverse consequences of climate change;

(e) Transfer and provide assured access to developing country Parties, on concessional, preferential and most-favoured terms, technologies and know-how required for compliance with this Convention, including:

(i) technologies relating to energy conservation and efficiency;

(ii) new, safe and renewable energy technologies.

(f) Ensure that actions taken to control the effects of human activity in the climate, and to mitigate the adverse consequences of climate change, do not damage the environment;

III. Developing country Parties shall, in accordance with the Objectives and Principles agreed to under this Convention and in accordance with their national development plans, priorities, objectives, and specific country conditions, take, in accordance with their capabilities, measures to address climate change, recognising that new and additional financial resources will be needed to implement such measures.